

British Columbia or Portland, Oregon, as selected by the Party who sent the Notice to Arbitrate, and take turns striking a name from the List. The first Party to strike a name shall be selected by drawing lots. If either Party fails to meet at the selected time and place or to strike a name from the List within 15 minutes of the last name struck by the other Party, then the other Party may select the third arbitrator from the names or remaining names on the List. The last remaining name shall be designated as the third arbitrator. If the person selected as the third arbitrator in accordance with this subsection is ineligible, unwilling or unable to act as such, then the last name struck shall be designated as the third arbitrator if he or she is eligible, willing and able to act, and so on until a third arbitrator is selected who is eligible, willing and able to act;

- (e) either the Government of the United States of America or the Government of Canada may, in its discretion, strike the third arbitrator selected under Section 6.4 (d) above within 10 days of having been notified of the third arbitrator's identity, in which case either Party shall request the Appointing Authority to select within 30 days, or more rapidly if possible, the third arbitrator, who shall have expertise in the subject of transmission and generation of electrical power and shall not be a citizen or permanent resident of either the United States of America or Canada. The Parties hereby designate the International Chamber of Commerce as the Appointing Authority;
- (f) in the event that the WRTA arbitrators List ceases to exist, the Parties shall negotiate in good faith to select another arbitrators list (which shall become the "List" referred to in Section 6.4(c)) from which to select the third arbitrator, failing which selection, within 30 days after the Notice to Arbitrate, the third arbitrator shall be selected in accordance with the UNCITRAL Rules;
- (g) except with the agreement of the Parties or of the arbitrators selected by each Party, a person shall not be eligible to act as the third arbitrator if the person is or has within the last 5 years been employed or retained directly or indirectly by either Party or the government of either the United States or Canada;