

**UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION**

**COMMISSIONERS:**        **Joseph J. Simons, Chairman**  
                                  **Noah Joshua Phillips**  
                                  **Rohit Chopra**  
                                  **Rebecca Kelly Slaughter**  
                                  **Christine S. Wilson**

**In the Matter of**

**Peabody Energy Corporation,  
a public company;**

**and**

**Arch Coal, Inc.,  
a public company.**

**Docket No. 9391**

**COMMISSION ORDER ON PUBLIC ACCESS TO THE EVIDENTIARY HEARING IN  
LIGHT OF THE PUBLIC HEALTH EMERGENCY**

Because of the declared public health emergency<sup>1</sup> associated with the outbreak of the coronavirus disease 2019 (“COVID-19”), also known as SARS-CoV-2, and because it has been advised that gatherings of people in close proximity may facilitate the spread of the disease, the Commission has determined that it is in the public interest to mitigate the transmission and impact of COVID-19, and that good cause exists to issue an order addressing public access to the evidentiary hearing in this proceeding pursuant to Commission Rule 3.41(a), 16 C.F.R. § 3.41(a). Accordingly,

**IT IS HEREBY ORDERED THAT:**

- (1) public access to the evidentiary hearing in this proceeding, to the extent permitted by any *in camera* orders, shall be allowed only via telephone conference or live streaming;
- (2) all hearings in this proceeding before the Chief Administrative Law Judge that involve the testimony of witnesses will take place in Room 532 of the Federal

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<sup>1</sup> Pursuant to the Public Health Services Act, 42 U.S.C. § 247d, on January 31, 2020, the Secretary of the Department of Health and Human Services issued a declaration that a health emergency exists because of COVID-19; and on March 13, 2020, the President of the United States issued a proclamation that a national emergency exists concerning COVID-19. Remarks by President Trump, *available at* <https://www.whitehouse.gov/briefings-statements/remarks-president-trump-vice-president-pence-members-coronavirus-task-force-press-conference-3/> (Mar. 13, 2020).

Trade Commission Headquarters Building; and

(3) no more than ten people will be allowed in Room 532 during the taking of witness testimony, limited to:

- i. the Chief Administrative Law Judge and his two Attorney Advisors;
- ii. the testifying witness;
- iii. Complaint Counsel (no more than two people);
- iv. Respondent's counsel (no more than two people);
- v. the witness' counsel (no more than one person); and
- vi. a court reporter.

By the Commission, Commissioner Slaughter not participating.



April J. Tabor  
Secretary

SEAL:

ISSUED: July 1, 2020