

**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**

**THIRD ORDER REGARDING SCHEDULING  
IN LIGHT OF PUBLIC HEALTH EMERGENCY**

By orders dated March 19, 2020, and April 13, 2020, the Commission has already stayed this proceeding and deferred the commencement of the evidentiary hearing by 75 days. 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 stay this proceeding for an additional period of approximately 30 days and to again reschedule the evidentiary hearing. Accordingly,

**IT IS HEREBY ORDERED** that this proceeding be fully stayed, except for matters of settlement, through July 6, 2020; and

**IT IS FURTHER ORDERED** that the evidentiary hearing be rescheduled to commence on December 1, 2020, and all pre-hearing deadlines in this proceeding be further extended by 32 calendar days. The Administrative Law Judge retains discretion to adjust any such pre-hearing deadlines to the extent compatible with the hearing date as set by this Order or to make a recommendation to the Commission regarding an alternative hearing date.

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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).

By the Commission, Commissioner Slaughter not participating.

  
April J. Tabor  
Acting Secretary

SEAL:

ISSUED: June 3, 2020