IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

EXTRACTION OIL & GAS, INC., *et al.*,	:	Chapter 11
	:	Bankr. No. 20-11548 (CSS)
Debtors.	:	(Jointly Administered)

FEDERAL ENERGY REGULATORY COMMISSION,	:	
	:	
	:	Civ. No. 20-1412-CFC
Appellant,	:	Civ. No. 20-1506-CFC
v.	:	Civ. No. 20-1564-CFC
	:	Civ. No. 21-0012-CFC
EXTRACTION OIL & GAS, INC.,	:	
	:	
Appellee.	:	

ORDER

Having reviewed the status report (Civ. No. 20-1412-CFC D.I. 18) ("Status Report") filed on January 11, 2021 by appellant, the Federal Energy Regulatory Commission ("Commission"), regarding the status of: (i) the Commission's above-captioned remaining appeals; (ii) the Joint Motion to Consolidate Bankruptcy Appeals and Conform Briefing Schedules ("Consolidation Motion") (Civ. No. 20-1412-CFC D.I. 12); and (iii) the Joint Request for Certification of Direct Appeal of Bankruptcy Court Orders (Civ. No. 20-1412-CFC D.I. 13) ("Certification Motion"); and the Commission having filed an additional appeal (Civ. No. 21-12-CFC) since the filing of the Consolidation Motion and the Certification Motion; and it appearing that the Commission's appeals at Civ. No. 20-1506-CFC and Civ. No. 20-1564-CFC

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may have been rendered moot by the Appellee's recent settlements with Grand Mesa (*see* Status Report at 7); and based upon the Commission's indication in the Status Report that the Commission requires additional time to review the terms of the Grand Mesa settlements in order to determine whether the Commission will attempt prosecute the appeals at Civ. No. 20-1506 and Civ. No. 20-1564 (*see id.*); and having reviewed Appellee's responses to date in connection with the Consolidation Motion and Certification Motion (Civ. No. 20-1412-CFC D.I. 14, 16); it is hereby ORDERED that:

1. As soon as reasonably practicable, the Commission shall: (i) review the terms of the relevant Grand Mesa settlements to determine whether it will prosecute Civ. No. 20-1506-CFC and Civ. No. 20-1564-CFC, and (ii) dismiss Civ. No. 20-1506-CFC and Civ. No. 20-1564-CFC or file a status report indicating the Commission's intention to move forward with each appeal, as appropriate.

2. Thereafter, the Commission shall confer with Appellee in accordance with Local Rule 7.1.1 and file a joint status report indicating whether the parties agree to consolidation for procedural purposes of the Commission's remaining appeals, including Civ. No. 21-12-CFC (*see* Status Report at 8-9), or setting forth the parties' competing positions.

3. The Commission shall also confer with Appellee in accordance with Local Rule 7.1.1 regarding whether the parties agree that the appeal pending at Civ.

No. 21-12-CFC may be considered within the scope of the relief requested in the pending Certification Motion, as requested by the Commission (*see* Status Report at 8). If the parties so agree, they shall file a joint status report indicating same. If the parties do not agree, the Commission shall file, within fourteen (14) days of the Local Rule 7.1.1 conference, an amended Certification Motion to address the inclusion of Civ. No. 21-12-CFC within the scope of relief requested, and Appellee shall have fourteen (14) days from the filing of the amended Certification Motion to file a response.

Entered this 13th day of January, 2021.

UNITED STATES DISTRICT JUDGE