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**BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH**

**IN THE MATTER OF PACIFIC ENERGY &  
MINING COMPANY**

**Docket No. 18-2602-01**

**UTAH DIVISION OF PUBLIC UTILITIES'  
NOTICE TO THE COMMISSION OF  
STATUTORY EXCEPTION TO THE  
AUTOMATIC STAY ASSOCIATED  
WITH PACIFIC ENERGY & MINING  
COMPANY'S CHAPTER 11  
BANKRUPTCY PROCEEDING**

The Division of Public Utilities (Division) provides the Public Service Commission of Utah (Commission) this notice of statutory exception to the automatic stay in bankruptcy proceedings.

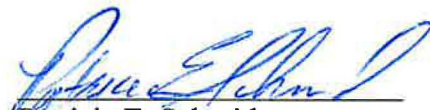
On July 30, 2019, Pacific Energy & Mining Company (PEMC) filed<sup>1</sup> a pleading entitled "Suggestion of Bankruptcy" (Suggestion) with the Commission. This pleading stated, "Please take further notice that pursuant to section 362 of the Bankruptcy Code, the commencement or continuation of a judicial, administrative or other action or proceeding is stayed upon filing of the Petition."<sup>2</sup>

<sup>1</sup> This filing was not accompanied by a certificate of service and, absent being on one of the Commission's broad email distribution lists, neither the Division nor the Division's counsel would have received notice of this filing.

<sup>2</sup> See Suggestion at p. 1.

However, the Suggestion failed to note that there are statutorily established exceptions to the automatic stay, one of which is particularly applicable here. Section 362(b)(4) of the Bankruptcy Code states that “the filing of a petition . . . does not operate as a stay . . . of the commencement or continuation of an action or proceeding by a governmental unit . . . to enforce such governmental unit’s . . . police and regulatory power, including the enforcement of a judgment other than a money judgment, obtained in an action or proceeding by the governmental unit to enforce such governmental unit’s . . . police or regulatory power.”<sup>3</sup>

DATED this 1<sup>st</sup> day of August 2019.



Patricia E. Schmid  
Attorney for the Utah Division  
of Public Utilities

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<sup>3</sup> 11 U.S.C. § 362(b)(4).

CERTIFICATE OF SERVICE

I certify that I caused a true and correct copy of the **UTAH DIVISION OF PUBLIC UTILITIES' NOTICE TO THE COMMISSION OF STATUTORY EXCEPTION TO THE AUTOMATIC STAY ASSOCIATED WITH PACIFIC ENERGY & MINING COMPANY'S CHAPTER 11 BANKRUPTCY PROCEEDING** to be delivered this 1<sup>st</sup> day of August 2019, by email and/or USPS mail, postage prepaid, to the following:

By U.S. Mail:

Rodney Nugent  
Registered Agent – PEMC  
17 West Main 149  
PO Box 149  
Green River, UT 84525

Rodney Nugent  
Registered Agent – Dead Horse Oil Company LLC  
17 West Main 149  
PO Box 149  
Green River, UT 84525

By Electronic-Mail:

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[psc@utah.gov](mailto:psc@utah.gov)

*Pacific Energy and Mining Company*

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