

# Exhibit 7

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI**

**FEDERAL TRADE COMMISSION**

Plaintiff,

v.

**PEABODY ENERGY CORPORATION,**

and

**ARCH COAL, INC.,**

Defendants.

Civil Action No. 4:20-cv-00317

**PLAINTIFF FEDERAL TRADE COMMISSION'S PRELIMINARY FACT WITNESS  
LIST**

Pursuant to the Case Management and Scheduling Order ¶ C.15, Plaintiff Federal Trade Commission provides the below preliminary list of fact witnesses Plaintiff may call live at the preliminary injunction hearing in this matter. Plaintiff reserves the right to: (1) call any fact witness at the preliminary injunction hearing who appears on Defendants' preliminary fact witness list; (2) call the custodian of records of any party or non-party from whom documents or records have been obtained to the extent necessary to demonstrate the authenticity or admissibility of documents, in the event a stipulation cannot be reached; and (3) supplement this list in light of any discovery that has not yet been completed.

NAME	EMPLOYER	ADDRESS	COUNSEL	SUMMARY OF GENERAL TOPICS OF ANTICIPATED TESTIMONY
Arnold, Shaun	Arch Coal, Inc.		Stephen Weissman, Esq. Counsel for Defendants	Information concerning the proposed transaction and the sale of SPRB coal.
Benham, Kathy	Minnesota Power	30 W. Superior Street Duluth, MN 55802	Andrew B. Kolesar, Esq. Slover & Loftus LLP 1224 17th Street, NW Washington, D.C. 20036 <a href="mailto:abk@sloverandloftus.com">abk@sloverandloftus.com</a> (202) 347-7170	Information concerning the proposed transaction, the purchasing of SPRB coal, and competition among SPRB coal suppliers.
Busby, Barb	Peabody Corp.		Gorav Jindal, Esq. Counsel for Defendants	Information concerning the proposed transaction, and the sale of SPRB coal.
Cochran, Ken	Arch Coal, Inc.		Stephen Weissman, Esq. Counsel for Defendants	Information concerning the proposed transaction, and the claimed efficiencies.
Echter, Dana	Xcel Energy	414 Nicollet Mall Minneapolis, MN 55401	Kathryn A. Reilly, Esq. Wheeler Trigg O'Donnell LLP 370 Seventeenth Street, Suite 4500 Denver, CO 80202 <a href="mailto:reilly@wtotrial.com">reilly@wtotrial.com</a> 303-244-1983	Information concerning the proposed transaction, the purchasing of SPRB coal, and competition among SPRB coal suppliers.
Fuller, Brian	Southern Company	30 Ivan Allen Jr. Blvd., NW Atlanta, GA 30308	Adam Di Vincenzo, Esq. Gibson, Dunn & Crutcher LLP 1050 Connecticut Ave NW Washington, DC 20036 <a href="mailto:adivincenzo@gibsondunn.com">adivincenzo@gibsondunn.com</a> 202-887-3704	Information concerning the proposed transaction, the purchasing of SPRB coal, and competition among SPRB coal suppliers.

NAME	EMPLOYER	ADDRESS	COUNSEL	SUMMARY OF GENERAL TOPICS OF ANTICIPATED TESTIMONY
Goodby, Alan	Arch Coal, Inc.		Stephen Weissman, Esq. Counsel for Defendants	Information concerning the proposed transaction and the sale of SPRB coal.
Gurgenli, Hakan	Peabody Corp.		Gorav Jindal, Esq. Counsel for Defendants	Information concerning the proposed transaction, and the claimed efficiencies.
Hicks, David	DTE Energy	1 Energy Plaza Detroit, Michigan 48226	Brian Rafkin, Esq. Dechert LLP 1900 K Street, NW Washington, DC 20006 <a href="mailto:brian.rafkin@dechert.com">brian.rafkin@dechert.com</a> (202) 261 -3318	Information concerning the proposed transaction, the purchasing of SPRB coal, and competition among SPRB coal suppliers.
James, David	Peabody Corp.		Gorav Jindal, Esq. Counsel for Defendants	Information concerning the proposed transaction and the sale of SPRB coal.
Jeffries, Amy	American Electric Power	1 Riverside Plaza Columbus, OH 43215	Jay Jadwin, Esq. American Electric Power <a href="mailto:jejadwin@aep.com">jejadwin@aep.com</a> 614-583-7634	Information concerning the proposed transaction, the purchasing of SPRB coal, and competition among SPRB coal suppliers.
Jones, Jeff	Ameren	1901 Chouteau Ave St. Louis, MO 63103	Richard B. Walsh, Jr., Esq. Lewis Rice, LLP 600 Washington Avenue, Suite 2500 <a href="mailto:rwalsh@lewisrice.com">rwalsh@lewisrice.com</a> 314-444-7722	Information concerning the proposed transaction, the purchasing of SPRB coal, and competition among SPRB coal suppliers.
Knitter, Jeff	WEC Energy	700 N. Adams St. Green Bay, WI 54301	Andrew B. Kolesar, Esq. Slover & Loftus 1224 17th Street NW Washington, DC 20036 <a href="mailto:abk@sloverandloftus.com">abk@sloverandloftus.com</a> 202-347-7170	Information concerning the proposed transaction, the purchasing of SPRB coal, and competition among SPRB coal suppliers.

NAME	EMPLOYER	ADDRESS	COUNSEL	SUMMARY OF GENERAL TOPICS OF ANTICIPATED TESTIMONY
Meyer, Andrew	Ameren	1901 Chouteau Ave St. Louis, MO 63103	Richard B. Walsh, Jr., Esq. Lewis Rice, LLP 600 Washington Avenue, Suite 2500 <a href="mailto:rwalsh@lewisrice.com">rwalsh@lewisrice.com</a> 314-444-7722	Information concerning the proposed transaction, the purchasing of SPRB coal, and competition among SPRB coal suppliers.
Oswald, John	WEC Energy	700 N. Adams St. Green Bay, WI 54301	Andrew B. Kolesar, Esq. Slover & Loftus 1224 17th Street NW Washington, DC 20036 <a href="mailto:abk@sloverandloftus.com">abk@sloverandloftus.com</a> 202-347-7170	Information concerning the proposed transaction, the purchasing of SPRB coal, and competition among SPRB coal suppliers.
Peterson, Eric	Evergy, Inc.	1200 Main Street Kansas City, MO 64105	Kelvin Dowd, Esq. Slover & Loftus LLP 1224 Seventeenth St. N.W. Washington, D.C. 20036 <a href="mailto:kid@sloverandloftus.com">kid@sloverandloftus.com</a> 202-347-7170	Information concerning the proposed transaction, the purchasing of SPRB coal, and competition among SPRB coal suppliers.
Rhul, Gary	Omaha Public Power District	444 S. 16 <sup>th</sup> St. Omaha, NE 68102	Stephen M. Bruckner, Esq. Fraser Stryker PC LLO 409 S 17th St #500 Omaha, NE 68102 <a href="mailto:sbruckner@fraserstryker.com">sbruckner@fraserstryker.com</a> 402-978-5225	Information concerning the proposed transaction, the purchasing of SPRB coal, and competition among SPRB coal suppliers.
Romer, Craig	Xcel Energy	414 Nicollet Mall Minneapolis, MN 55401	Kathryn A. Reilly, Esq. Wheeler Trigg O'Donnell LLP 370 Seventeenth Street, Suite 4500 Denver, CO 80202 <a href="mailto:reilly@wtotrial.com">reilly@wtotrial.com</a> 303-244-1983	Information concerning the proposed transaction, the purchasing of SPRB coal, and competition among SPRB coal suppliers.

<b>NAME</b>	<b>EMPLOYER</b>	<b>ADDRESS</b>	<b>COUNSEL</b>	<b>SUMMARY OF GENERAL TOPICS OF ANTICIPATED TESTIMONY</b>
Sandlin, Meri	Western Fuels Association	12050 N. Pecos Street Suite 310 Westminster, CO 80234	Rex Johnson, Esq. Sherard, Sherard & Johnson 602 10 <sup>th</sup> Street PO Box 69 Wheatland, WY 82201 307-322-2102 <a href="mailto:rex@ssjwyolaw.com">rex@ssjwyolaw.com</a>	Information concerning the proposed transaction, the purchasing of SPRB coal, and competition among SPRB coal suppliers.
Siebers, Mike	Peabody Corp.		Gorav Jindal, Esq. Counsel for Defendants	Information concerning the proposed transaction and the sale of SPRB coal.
Siekmeir, Jill	Entergy Corporation	639 Loyola Ave New Orleans, LA 70113	Glen Bernstein Senior Counsel – Legal Department 101 Constitution Ave., NW Suite 200 East Washington, D.C. 20001 <a href="mailto:gbernst@entergy.com">gbernst@entergy.com</a> 202-530-7304	Information concerning the proposed transaction, the purchasing of SPRB coal, and competition among SPRB coal suppliers.
Tipton, Harry	Navajo Transitional Energy Company	4801 North Butler Ave., Building 2000 Farmington, NM 87401	Kevin Johnson, Esq. Parsons Behle & Latimer 201 South Main Street, Suite 1800 Salt Lake City, UT 84111 801-532-1234 <a href="mailto:kwjohnson@parsonsbehle.com">kwjohnson@parsonsbehle.com</a>	Information concerning the production and sale of SPRB coal.
Vandiver, Gregory	Peabody Corp.		Gorav Jindal, Esq. Counsel for Defendants.	Information concerning the proposed transaction and the sale of SPRB coal.

NAME	EMPLOYER	ADDRESS	COUNSEL	SUMMARY OF GENERAL TOPICS OF ANTICIPATED TESTIMONY
Varner, Ben	Arch Coal, Inc.		Stephen Weissman, Esq. Counsel for Defendants.	Information concerning the proposed transaction and the sale of SPRB coal.
Whalen, Bette	Lower Colorado River Authority	3700 Lake Austin Blvd Austin, TX 78703	Breck Harrison, Esq. Jackson Walker LLP 100 Congress Avenue Suite 1100 Austin, TX 78701 <a href="mailto:bharrison@jw.com">bharrison@jw.com</a> (512) 236-2315	Information concerning the proposed transaction, the purchasing of SPRB coal, and competition among SPRB coal suppliers.

Dated: March 16, 2020

Respectfully Submitted,

/s/ Daniel Matheson

DANIEL MATHESON 502490 (DC)

AMY DOBRZYNSKI

Federal Trade Commission

Bureau of Competition

400 Seventh Street, SW

Washington, DC 20024

Telephone: (202) 326-2075

dmatheson@ftc.gov

adobrzynski@ftc.gov

*Counsel for Plaintiff Federal Trade Commission*



**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 16th day of March, 2020, I served the foregoing on the following counsel via electronic mail:

Ted Hassi  
Debevoise & Plimpton LLP  
801 Pennsylvania Avenue N.W.  
Washington, D.C. 20004  
Tel: (202) 383-8135  
Email: thassi@debevoise.com

Gorav Jindal  
Akin Gump Strauss Hauer & Feld LLP  
20001 K St. NW  
Washington, DC 20006  
Tel: (202) 887-4234  
Email: gjindal@akingump.com

*Counsel for Defendant Peabody Energy Corporation*

Stephen Weissman  
Michael Perry  
Baker Botts LLP  
1299 Pennsylvania Ave. NW  
Washington, DC 20004  
Tel: (202) 639-1313  
Email: stephen.weissman@bakerbotts.com  
Email: michael.perry@bakerbotts.com

*Counsel for Defendant Arch Coal, Inc.*

/s/ Taylor Alexander  
Taylor Alexander  
Attorney for Plaintiff Federal Trade Commission