

From: [Ryan Sullivan](#)
To: [Deborah Bracey - DNR](#)
Cc: [Heidi Kaczor](#); [Annalee Penner](#)
Subject: D90 to FEO Form 9 Inquiry
Date: Wednesday, March 8, 2023 2:15:53 PM

Hi Deb,

I hope all is well on your end. I wanted to follow up on the Form 9 Transfers from D90 Energy (D90) to Fulcrum Energy Operating (FEO) in Jackson County (Intent Doc Number 403181458, Subsequent Doc Number 403192640) as it relates to FEO's existing and updated Form 3 Financial Assurance.

The last guidance I had was that the Form 9s would be processed with a COA such that *the Buying Operator must file a Form 3, Financial Assurance Plan, within 10 business days of Form 9 approval – OR – by the applicable deadline as described in the Notice to Operators, Delayed Deadline for Rule 702.b(1)A.i., whichever is later. Per Rule 702, Buyer will then provide any required additional financial assurance as soon as practicable but no later than 90 days from the Commission's approval of the Form 3, Financial Assurance Plan.*

If this is still the case, FEO will prepare updated Form 3s pending the approval of the Form 9s to be submitted within 10 business days of Form 9 approval. We will then work with our surety provider to provide any additional financial assurance no later than 90 days from the Commission's approval. Please let us know otherwise though.

On that note, do you have any sense for where the D90 to FEO Form 9s sit with respect to the Commission's review?

Many Thanks,

Ryan

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