

PetroCo problem

from Warren et al., *The Law of Debtors and Creditors*

PetroCo, Inc. is an independent oil refinery. Bad market predictions and excessive overhead have caused the company to lose money for several consecutive quarters. Finally, it has filed a chapter 11. Indicative of its difficulties in the highly volatile market for fuel oil is its contract with ConEd. This contract provides that PetroCo will furnish 100,000 barrels of oil, nearly six months' output from the small refinery, for \$30 a barrel, a price that looked lucrative when it was proposed 11 months ago. Now, two weeks from delivery, the contract appears to be a disaster. The resolution of a price war between OPEC and Russia and an increase in global demand following the end of a pandemic have caused the price of oil to surge, so that if PetroCo could sell that six-month supply of oil on the current market, it would be able to get \$50 per barrel. What should PetroCo do? See § 365(a). Assuming PetroCo will ultimately pay its unsecured creditors 30 cents on the dollar, what will ConEd get if PetroCo rejects? See § 502(g). What will PetroCo get from rejection? In a chapter 7 liquidation of PetroCo, who functionally benefits? In PetroCo's chapter 11, who benefits?