

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

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In re: : Chapter 11
: :
EMERGE ENERGY SERVICES LP, : Case No. 19-11563 (KBO)
: :
Reorganized Debtor.¹ : Obj. Deadline: December 5, 2025 at 4:00 p.m. (ET)
: Hearing Date: December 15, 2025 at 2:00 p.m. (ET)
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MOTION OF THE REORGANIZED DEBTOR FOR ENTRY OF A
FINAL DECREE (I) CLOSING CHAPTER 11 CASE AND
(II) TERMINATING OFFICIAL CLAIMS AGENT SERVICES

The reorganized debtor in the above-captioned case (the “Reorganized Debtor”),² by and through its undersigned counsel, respectfully represents as follows:

JURISDICTION

1. This Court has jurisdiction to consider this motion (the “Motion”) under 28 U.S.C. §§ 157 and 1334 and the *Amended Standing Order of Reference* from the United States District Court for the District of Delaware dated as of February 29, 2012. This is a core proceeding under 28 U.S.C. § 157(b)(2). Venue of the Chapter 11 Case and this Motion in this district is proper under 28 U.S.C. §§ 1408 and 1409.

¹ The Reorganized Debtor in this case, along with the last four digits of the Reorganized Debtor’s federal tax identification number, is Emerge Energy Services LP (2937). The Reorganized Debtor’s address is 6500 West Freeway, Suite 800, Fort Worth, Texas 76116.

² Prior to the occurrence of the Effective Date (as defined below), the Reorganized Debtor and its affiliated reorganized debtors (collectively, and prior to the Effective Date, the “Debtors” and, from after the Effective Date, collectively, the “Reorganized Debtors”) were debtors and debtors-in-possession in their respective chapter 11 cases (the “Chapter 11 Cases”).



RELIEF REQUESTED

2. By this Motion, pursuant to section 350(a) of chapter 11 of title 11 of the United States Code (the “**Bankruptcy Code**”), rule 3022 of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”), and rule 3022-1 of the Local Rules of the United States Bankruptcy Court for the District of Delaware (the “**Local Rules**”), the Reorganized Debtor seeks the entry of an order (i) closing the Chapter 11 Case of Emerge Energy Services LP (the “**Remaining Case**”) and (ii) terminating the claims and noticing services (the “**Official Claims Agent Services**”) provided by Kurtzman Carson Consultants, LLC dba Verita Global (“**Verita**”). A proposed form of final decree order granting the relief requested in the Motion is attached hereto as Exhibit A (the “**Proposed Final Decree Order**”).

BACKGROUND

3. On July 15, 2019 (the “**Petition Date**”), the Debtors filed voluntary petitions in the United States Bankruptcy Court for the District of Delaware (the “**Court**”) commencing their Chapter 11 Cases.

4. On July 17, 2019, the Court entered the *Order Authorizing Retention and Appointment of Kurtzman Carson Consultants LLC as Claims and Noticing Agent Nunc Pro Tunc to the Petition Date* [Docket No. 55] (the “**Verita Retention Order**”), authorizing the retention of Verita as the Debtors’ claims and noticing agent to provide the Official Claims Agent Services.

5. On July 31, 2019, the Office of the United States Trustee for the District of Delaware (the “**U.S. Trustee**”) appointed an official committee of unsecured creditors in the Chapter 11 Cases [Docket No. 111].

**EFFECTIVE DATE HAS OCCURRED AND
PLAN IS SUBSTANTIALLY CONSUMMATED**

6. On December 18, 2019, the Court entered an order [Docket No. 721] (the “**Confirmation Order**”) confirming the *Modified Second Amended Joint Plan of Reorganization for Emerge Energy Services LP and its Affiliate Debtors Under Chapter 11 of the Bankruptcy Code*, which was attached to the Confirmation Order as Exhibit 1 thereto (the “**Plan**”).³ The Plan became effective, and was substantially consummated, on December 20, 2019 (the “**Effective Date**”). See Docket No. 733.

7. On May 12, 2020, the Reorganized Debtors filed the *Motion of the Reorganized Debtors for Entry of a Final Decree (I) Closing the Subsidiary Cases and (II) Granting Related Relief* [Docket No. 838] (the “**Case Closing Motion**”) seeking, among other relief, the entry of an order closing all of the Chapter 11 Cases other than the Chapter 11 Case of Emerge Energy Services LP (the closed Chapter 11 Cases, collectively, the “**Closed Cases**”) and leaving the Remaining Case open.

8. On June 4, 2020, the Court entered the *Final Decree (I) Closing the Subsidiary Cases and (II) Granting Related Relief* [Docket No. 847] approving the relief requested in the Case Closing Motion.

9. Since the Effective Date, the Reorganized Debtor (and its affiliated Reorganized Debtors) has been diligently administering its duties under the Plan. After reviewing the Plan and the tasks necessary to administer the Plan, the Reorganized Debtor believes that substantially all of its duties under the Plan have been completed or will be completed as and when required under

³ Capitalized terms not otherwise defined herein shall have the meanings given to them in the Confirmation Order or the Plan, as applicable.

the Plan, and that the Reorganized Debtor's request to close the Remaining Case is necessary and appropriate for these reasons set forth herein.

BASIS FOR RELIEF

Final Decree Closing this Chapter 11 Case

10. Pursuant to section 350(a) of the Bankruptcy Code, Bankruptcy Rule 3022, and Local Rule 3022-1, the Reorganized Debtor seeks entry of an order closing the Remaining Chapter 11 Case.

11. Section 350(a) of the Bankruptcy Code provides that “[a]fter an estate is fully administered and the court has discharged the trustee, the court shall close the case.” 11 U.S.C. § 350(a). Bankruptcy Rule 3022 implements the Bankruptcy Code's requirements, providing similarly that, “[a]fter an estate is fully administered in a chapter 11 reorganization case, the court, on its own motion or on motion of a party in interest, shall enter a final decree closing the case.” Fed. R. Bankr. P. 3022.

12. The term “fully administered” is not defined in either the Bankruptcy Code or the Bankruptcy Rules. The Advisory Committee Note to Bankruptcy Rule 3022 (the “**Advisory Committee Note**”), however, sets forth the following non-exclusive factors to be considered in determining whether a case has been fully administered:

- a. whether the order confirming the plan has become final;
- b. whether deposits required by the plan have been distributed;
- c. whether the property proposed by the plan to be transferred has been transferred;
- d. whether the debtor or its successor has assumed the business or the management of the property dealt with by the plan;
- e. whether payments under the plan have commenced; and

- f. whether all motions, contested matters, and adversary proceedings have been finally resolved.

Advisory Committee Note.

13. The Advisory Committee Note also indicates that the entry of a final decree “should not be delayed solely because the payments required by the plan have not been completed,” and the Court “should not keep the case open only because of the possibility that the court’s jurisdiction may be invoked in the future.” *See* Fed. R. Bankr. P. 3022 Advisory Committee’s Note to 1991 Amendment. Additionally, “a final decree closing the case after the estate is fully administered does not deprive the court of jurisdiction to enforce or interpret its own orders and does not prevent the court from reopening the case for cause pursuant to § 350(b) of the [Bankruptcy] Code.” *Id.*

14. Indeed, Bankruptcy Rule 3022 was amended in order to:

set forth a flexible Rule to permit the court to determine that an estate is fully administered and should be closed even though payments or other activities involving the debtor and its creditors might continue. . . . As is evident by the Committee note, the Advisory Committee interprets “fully administered” very loosely and encourages courts to use substantially more discretion in deciding whether to close a [c]hapter 11 case th[a]n Code § 350 and the Rule literally read.

In re Gould, 437 B.R. 34, 37–38 (Bankr. D. Conn. 2010) (emphasis added) (citation omitted).

15. Bankruptcy courts have adopted the view that “these factors are but a guide in determining whether a case has been fully administered, and not all factors need to be present before the case is closed.” *In re SLI, Inc.*, Case No. 02-12608 (WS), 2005 WL 1668396, at *2 (Bankr. D. Del. June 24, 2005) (citing *In re Mold Makers, Inc.*, 124 B.R. 766, 768-69 (Bankr. N.D. Ill. 1991)); *see also In re Federated Department Stores, Inc.*, 43 Fed. Appx. 820, 822 (6th Cir. 2002) (“A court should review each request for entry of a final decree on a case-by-case basis and analyze the factors set forth in Rule 3022, along with any other relevant factors, in determining whether an estate has been fully administered.”); *In re Kliegl Bros. Universal Elec. Stage Lighting*

Co., Inc., 238 B.R. 531, 542 (Bankr. E.D.N.Y. 1999) (recognizing that bankruptcy courts weigh the factors contained in the Advisory Committee Note when deciding whether to close a case); *Ericson v. IDC Servs., Inc. (In re IDC Servs., Inc.)*, Case No. 93 B 45922 (SMB), 1998 WL 547085, at *3 (S.D.N.Y. Aug. 28, 1998) (“[T]he approach that looks to the Advisory Note provides a more complete and flexible standard for determining when to close a chapter 11 case, and is therefore preferable.”); *In re Jay Bee Enters., Inc.*, 207 B.R. 536, 538 (Bankr. E.D. Ky. 1997) (“Rule 3022 allows the court flexibility. It does not require that a chapter 11 case be kept open until all awarded fees and allowed claims have been paid in accordance with the confirmed plan or until the statutory fees . . . have been paid.”); *Walnut Assocs. v. Saidel*, 164 B.R. 487, 493 (E.D. Pa. 1994) (“[A]ll of the factors in the Committee Note need not be present before the Court will enter a final decree.”); *In re Gibson Brands, Inc.*, No. 18-11028 (Bankr. D. Del. 2019) (CSS) (Docket No. 1107) (granting a motion to close certain chapter 11 cases over the objection of the U.S. Trustee).

16. In addition to the factors set forth in the Advisory Committee Note, courts have considered whether the plan has been substantially consummated. *See In re Gates Cmty. Chapel of Rochester, Inc.*, 212 B.R. 220, 224 (Bankr. W.D.N.Y. 1997) (considering substantial consummation as a factor in determining whether to close a case); *Walnut Assocs.*, 164 B.R. at 493 (same).

17. The Remaining Case has been “fully administered” within the meaning of section 350 of the Bankruptcy Code, making it appropriate for the Court to enter a final decree closing such cases. Among other things:

- a. the Confirmation Order has become final and non-appealable;
- b. the Reorganized Debtors have emerged from chapter 11 as reorganized entities, and the Reorganized Debtors have assumed the

business and management of the assets of the Debtors as reorganized entities;

- c. the transactions contemplated by the Plan have been substantially consummated;
- d. the claims reconciliation process has been substantially completed;
- e. substantially all of the distributions provided for under the Plan have been made and any remaining distributions will be made in accordance with the terms of the Plan or by agreement of the parties; and
- f. no motions, contested matters, or adversary proceedings are pending.

18. The foregoing factors support closing the Remaining Case. In addition, courts have also noted that entry of a final decree is appropriate to stop the accrual of all fees under 28 U.S.C. § 1930(a)(6) (“**Section 1930 Fees**”). *In re Junior Food Mart of Arkansas, Inc.*, 201 B.R. 522, 524 (Bankr. E.D. Ark. 1996) (closing case “in order that no further [Section 1930] [F]ees accrue”); *Jay Bee*, 207 B.R. at 539 (concluding that “it seems appropriate to close this case to stop the financial drain on the debtor” on account of the continuing accrual of Section 1930 Fees).

19. All expenses arising from the administration of the Remaining Chapter 11 Case and the Closed Cases, including court fees, Section 1930 Fees, professional fees, and expenses, have been paid or will be paid as and when such fees and expenses come due, including Section 1930 Fees.

20. Accordingly, the Reorganized Debtor submits that closing the Remaining Case complies with the Bankruptcy Code, Bankruptcy Rules and Local Rules and is otherwise appropriate under the circumstances and should be approved.

Termination of Official Claims Agent Services

21. In addition to the foregoing, the Reorganized Debtor requests entry of an order terminating the Official Claims Agent Services provided by Verita pursuant to the Verita Retention

Order. Upon termination of the Official Claims Agent Services, and except as otherwise provided herein, Verita will have no further obligations under the Verita Retention Order to the Court, the Reorganized Debtor, or any other party in interest with respect to the Official Claims Agent Services in the Chapter 11 Case.

22. Pursuant to Local Rule 2002-1(e)(ix), within twenty-eight days after this Court's entry of the Proposed Final Decree Order, Verita will (a) forward to the Clerk of the Court an electronic version of all imaged claims; (b) upload the creditor mailing list into CM/ECF; and (c) docket in the case of Emerge Energy Services LP, Case No. 19-11563 (KBO) a final claims register containing all the claims filed in the Chapter 11 Cases. The Reorganized Debtor respectfully submits that its request to terminate the Official Claims Agent Services provided by Verita on the terms described in this motion complies with the Local Rules and is otherwise appropriate under the circumstances and should be approved.

FINAL REPORT

23. As set forth in the Case Closing Motion, the Reorganized Debtors did not file a final report in connection with closing the Closed Cases. Accordingly, in accordance with Local Rule 3022-1(a)(ii), a final report for the Remaining Case and the Closed Cases is attached hereto as Exhibit B.

CONSENT TO JURISDICTION

24. Pursuant to Local Rule 9013-1(f), the Reorganized Debtor consents to the entry of a final judgment or order with respect to the Motion if it is determined that the Court would lack Article III jurisdiction to enter such final order or judgment absent consent of the parties.

NOTICE

25. Notice of this Motion shall be provided to (a) the U.S. Trustee; and (b) any other party entitled to notice pursuant to Bankruptcy Rule 2002 or order of the Court. The Reorganized Debtor submits that, under the circumstances, no other or further notice is required.

26. A copy of this Motion is available on (i) the Court's website: www.deb.uscourts.gov, and (ii) the website maintained by the Reorganized Debtor's Claims and Noticing Agent, Verita, at <https://www.veritaglobal.net/EmergeEnergy>.

NO PRIOR REQUEST

27. No prior request for the relief sought herein has been made to this Court or any other court.

[Remainder of Page Intentionally Left Blank]

WHEREFORE the Reorganized Debtor respectfully requests that the Court enter the Proposed Final Decree Order, substantially in the form attached hereto as Exhibit A, granting the relief requested herein and such other and further relief as may be just and proper.

Dated: November 21, 2025
Wilmington, Delaware

/s/ David T. Queroli

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Counsel for the Reorganized Debtor

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re: EMERGE ENERGY SERVICES LP, Reorganized Debtor. ¹	X : : : : : : : X	Chapter 11 Case No. 19-11563 (KBO) Obj. Deadline: December 5, 2025 at 4:00 p.m. (ET) Hearing Date: December 15, 2025 at 2:00 p.m. (ET)
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NOTICE OF MOTION AND HEARING

PLEASE TAKE NOTICE that, on November 21, 2025, the reorganized debtor in the above-captioned case (the “**Reorganized Debtor**”) filed the *Motion of the Reorganized Debtor for Entry of a Final Decree (I) Closing Chapter 11 Case and (II) Terminating Official Claims Agent Services* (the “**Motion**”) with the United States Bankruptcy Court for the District of Delaware (the “**Court**”).

PLEASE TAKE FURTHER NOTICE that, any responses or objections to the Motion must be in writing and filed with the Clerk of the Court, 824 North Market Street, 3rd Floor, Wilmington, Delaware 19801 on or before **December 5, 2025 at 4:00 p.m. (Prevailing Eastern Time)**.

PLEASE TAKE FURTHER NOTICE that, if any objections to the Motion are received, the Motion and such objections shall be considered at a hearing before The Honorable Karen B. Owens, United States Bankruptcy Judge for the District of Delaware, at the Court, 824 North Market Street, 6th Floor, Courtroom 3, Wilmington, Delaware 19801 on **December 15, 2025 at 2:00 p.m. (prevailing Eastern Time)**.

¹ The Reorganized Debtor in this case, along with the last four digits of the Reorganized Debtor’s federal tax identification number, is Emerge Energy Services LP (2937). The Reorganized Debtor’s address is 6500 West Freeway, Suite 800, Fort Worth, Texas 76116.

PLEASE TAKE FURTHER NOTICE THAT IF NO OBJECTIONS TO THE MOTION ARE TIMELY FILED, SERVED AND RECEIVED IN ACCORDANCE WITH THIS NOTICE, THE COURT MAY GRANT THE RELIEF REQUESTED IN THE MOTION WITHOUT FURTHER NOTICE OR HEARING.

Dated: November 21, 2025
Wilmington, Delaware

/s/ David T. Queroli

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Counsel for the Reorganized Debtor

Exhibit A

Proposed Final Decree Order

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

	X	
In re:	:	Chapter 11
	:	
EMERGE ENERGY SERVICES LP,	:	Case No. 19-11563 (KBO)
	:	
Reorganized Debtor. ¹	:	Re: Docket No. ____
	:	

**FINAL DECREE (I) CLOSING CHAPTER 11 CASE AND
(II) TERMINATING OFFICIAL CLAIMS AGENT SERVICES**

Upon the motion (the “**Motion**”)² of the Reorganized Debtor for entry of an order, pursuant to section 350(a) of the Bankruptcy Code, Bankruptcy Rule 3022 and Local Rules 2002-1(e) and 3022-1, for entry of a final decree (i) closing the Remaining Case, (ii) terminating the Official Claims Agent Services, and (iii) granting related relief, all as more fully described in the Motion; and the Court having jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334, and the *Amended Standing Order of Reference* from the United States District Court for the District of Delaware dated February 29, 2012; and the Court having found that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2) and that this Court may enter a final order consistent with Article III of the United States Constitution; and venue being proper in this District pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Motion being adequate and appropriate under the particular circumstances; and this Court having reviewed the Motion; and a hearing (if any) having been held to consider the relief requested in the Motion;

¹ The Reorganized Debtor in this case, along with the last four digits of the Reorganized Debtor’s federal tax identification number, is Emerge Energy Services LP (2937). The Reorganized Debtor’s address is 6500 West Freeway, Suite 800, Fort Worth, Texas 76116.

² Capitalized terms used but not defined herein shall have the meaning ascribed to them in the Motion.

and upon the record of the hearing (if any); and the Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and it appearing that the relief requested in the Motion is in the best interests of the Reorganized Debtor, its estates, creditors, and all parties in interest; and upon all of the proceedings had before the Court and after due deliberation and sufficient cause appearing therefor,

IT IS HEREBY ORDERED THAT:

1. The Motion is granted as set forth herein.
2. The Chapter 11 Case of Emerge Energy Services LP, Case No. 19-11563 (KBO) is hereby CLOSED pursuant to section 350(a) of the Bankruptcy Code, effective as of the date of the entry of this Order.
3. The Clerk of the Court shall enter this order and final decree on the docket of the Remaining Case, and the docket of the Remaining Case shall be marked as “Closed.”
4. The Official Claims Agent Services of Verita are terminated upon completion of the services listed in paragraph 5, *infra*. Thereafter, Verita will have no further obligations to the Court, the Reorganized Debtor, or any other party in interest with respect to the Official Claims Agent Services.
5. Pursuant to Local Rule 2002-1(e)(ix), within twenty-eight (28) days after the entry of this Order, Verita shall (a) forward to the Clerk of the Court an electronic version of all imaged claims; (b) upload the creditor mailing list into CM/ECF; and (c) docket in the case of Emerge Energy Services LP, Case No. 19-11563 (KBO) a final claims register containing all the claims filed in the Chapter 11 Cases.
6. Within thirty (30) days of entry of this Order, the Reorganized Debtor shall provide to the U.S. Trustee all quarterly reports not already filed, including reports for any partial quarter,

and pay any Section 1930 Fees, including Section 1930 Fees for disbursements up through the date of entry of this Order, even if for a partial quarter.

7. The Reorganized Debtor and Verita are authorized to take all actions necessary to effectuate the relief granted pursuant to this order and final decree in accordance with the Motion.

8. Entry of this Order is without prejudice to the rights of the Reorganized Debtor or any other party in interest to reopen the Chapter 11 Case for cause pursuant to section 350(b) of the Bankruptcy Code.

9. Notwithstanding any provision of the Bankruptcy Rules to the contrary, the terms and conditions of this Order shall be effective and enforceable upon its entry.

10. This Court shall retain jurisdiction over the Chapter 11 Cases to the extent permitted under the Plan and all matters arising from or related to the implementation, interpretation, or enforcement of this Order.

EXHIBIT B

Final Report

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

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In re:	:	Chapter 11
	:	
EMERGE ENERGY SERVICES LP,	:	Case No. 19-11563 (KBO)
	:	
Reorganized Debtor. ¹	:	
	:	
-----	X	

FINAL REPORT IN CHAPTER 11 CASES

Pursuant to Local Rule 3022-1(a)(ii),² the following is a final report regarding the above-captioned chapter 11 case and its related chapter 11 cases:

1. On July 15, 2019, each Debtor commenced with the Court a voluntary case under chapter 11 of the Bankruptcy Code.
2. On December 18, 2019, the Court entered the Confirmation Order, which confirmed and approved the Plan. The Plan was substantially consummated, and the Effective Date occurred on December 20, 2019.
3. All expenses arising from the administration of the Debtors' estates and the Chapter 11 Cases, including, without limitation, court fees, Section 1930 Fees, professional fees, and expenses, have been paid or will be paid as and when such fees and expenses come due.

¹ The Reorganized Debtor in this case, along with the last four digits of the Reorganized Debtor's federal tax identification number, is Emerge Energy Services LP (2937). The Reorganized Debtor's address is 6500 West Freeway, Suite 800, Fort Worth, Texas 76116.

² This final report (this "**Final Report**") is being filed contemporaneously with the *Motion of the Reorganized Debtor for Entry of a Final Decree Closing Chapter 11 Case and (II) Terminating Official Claims Agent Services* (the "**Motion**"). Capitalized terms used herein and not otherwise defined shall have the meanings given to them in the Motion.

4. The Plan has been substantially consummated and all distributions that were required to be made pursuant to the Plan have been made or will be made in accordance with the terms of the Plan or by agreement of the parties.

5. All motions, contested matters, and other proceedings that were before the Court with respect to the Chapter 11 Cases have been resolved, dismissed, or withdrawn.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Dated: November 21, 2025

/s/ Scott Waughtal

Scott Waughtal

Chief Executive Officer

Emerge Energy Services LP