

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

In re BURGESS BIOPOWER, LLC, <i>et al.</i> ¹ Debtors.	Chapter 11 Case No. 24-10235 (LSS) (Jointly Administered) Hearing Date: February 21, 2024 at 9:30 a.m. (ET) Obj. Deadline: February 20, 2024 at 12:00 p.m. (ET)
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**OMNIBUS NOTICE OF FIRST DAY MOTIONS,
REJECTION MOTION, AND HEARING THEREON**

PLEASE TAKE NOTICE that, on February 9, 2024, the above-captioned debtors and debtors in possession (the “Debtors”) filed, among others, the following first day motions (collectively, the “First Day Motions”) with the United States Bankruptcy Court for the District of Delaware (the “Court”):

1. *Motion of the Debtors for Entry of Interim and Final Orders (I) Authorizing Payment of Certain Prepetition Taxes and Related Obligations and (II) Authorizing Financial Institutions to Honor All Related Checks and Electronic Payment Requests [D.I. 6];*
2. *Motion of the Debtors for Entry of Interim and Final Orders (I) Prohibiting Utility Providers from Altering, Refusing, or Discontinuing Utility Services; (II) Determining Adequate Assurance of Payment for Future Utility Services; (III) Establishing Procedures for Determining Adequate Assurance of Payment; and (IV) Granting Related Relief [D.I. 9] (the “Utilities Motion”);*
3. *Motion of the Debtors for Interim and Final Orders (I) Authorizing the Debtors to (A) Continue Their Insurance Policies and (B) Pay All Obligations with Respect Thereto; (II) Authorizing Continuation of Insurance Premium Financing Arrangements; and (III) Granting Related Relief [D.I. 10];*
4. *Motion of the Debtors for Entry of Interim and Final Orders (I) Authorizing the Debtors to Pay Prepetition Claims of Critical Vendors and (II) Granting Related Relief [D.I. 11];*
5. *Debtors’ Motion for Interim and Final Orders (I) Authorizing the Debtors to Continue Performing Under Certain Shared Services Agreements and Honor Obligations Related Thereto; and (II) Granting Related Relief [D.I. 17] (the “Shared Services Motion”);*
6. *Debtors’ Motion for Interim and Final Orders (I) Approving Entry into a New Lead Market Participant Agreement and (II) Granting Related Relief [D.I. 18];*

¹ The Debtors in these Chapter 11 Cases, along with the last four digits of each Debtor’s federal tax identification number, are Burgess BioPower, LLC (0971) and Berlin Station, LLC (1913). The Debtors’ corporate headquarters are located at c/o CS Operations, Inc., 631 US Hwy 1, #300, North Palm Beach, FL 33408.

7. *Motion of the Debtors for Entry of Interim and Final Orders (I) Authorizing the Maintenance of Bank Accounts and Continued Use of Existing Business Forms and Checks, (II) Authorizing the Continued Use of Existing Cash Management System, (III) Granting Limited Relief from the Requirements of Bankruptcy Code Section 345(b), and (IV) Granting Related Relief* [D.I. 23]; and
8. *Debtors' Motion for Entry of Interim and Final Orders (I) Authorizing the Debtors to Obtain Postpetition Financing, (II) Authorizing the Debtors to Use Cash Collateral, (III) Granting Liens and Providing Superpriority Administrative Expense Status, (IV) Granting Adequate Protection to the Prepetition Secured Parties, (V) Modifying the Automatic Stay, (VI) Scheduling a Final Hearing, and (VII) Granting Related Relief* [D.I. 33].

PLEASE TAKE FURTHER NOTICE that also on February 9, 2024, the Debtors filed the *Motion of the Debtors for Entry of an Order (I) Authorizing the Debtors to Reject the Power Purchase Agreement and Option Agreement with Public Service Company of New Hampshire (d/b/a Eversource Energy) Nunc Pro Tunc to the Petition Date and (II) Granting Related Relief* [D.I. 22] (the "Rejection Motion"). The Rejection Motion was previously served on February 10, 2024.

PLEASE TAKE FURTHER NOTICE that a hearing on the First Day Motions and certain other pleadings was held on February 13, 2024 (the "First Day Hearing").² Also at the First Day Hearing, the Court approved the Utilities Motion on an interim basis and part of the relief requested in the Shared Services Motion, on an interim basis, subject to the submission of an agreed upon form of proposed order.

PLEASE TAKE FURTHER NOTICE that copies of the First Day Motions, any orders approving interim relief of the First Day Motions, and all other pleadings filed in these chapter 11 cases are available, free of charge, from the website of the Debtors' Court-appointed claims agent, Epiq: <https://dm.epiq11.com/Burgess>.

PLEASE TAKE FURTHER NOTICE that the at the First Day Hearing, the Court scheduled a hearing on (i) the Rejection Motion and (ii) interim approval of the First Day Motions, excluding the Utilities Motion, on **February 21, 2024 at 9:30 a.m. (prevailing Eastern Time)** before the Honorable Laurie Selber Silverstein, in the United States Bankruptcy Court for the District of Delaware, 824 N. Market Street, 6th Floor, Courtroom No. 2, Wilmington, Delaware 19801.

PLEASE TAKE FURTHER NOTICE that any objections to (i) the relief requested in the Rejection Motion or (ii) the interim approval of the First Day Motions, excluding the Utilities Motion, must be in writing, filed with the Clerk of the Court, 824 Market Street, 3rd Floor, Wilmington, Delaware 19801, and served upon the following parties on or before **February 21, 2024 at 12:00p.m. (Prevailing Eastern Time)** (the "Objection Deadline"): (a) the Debtors, c/o CS Operations, Inc., 631 US Hwy 1, #300, North Palm Beach, FL 33408, Attn:

² On February 9, 2024, the Debtors also filed a motion [D.I.3] and an application [D.I. 5], which are not listed herein, that were approved on a final basis at the First Day Hearing. *See* D.I. 92 & 93.

Dean Vomero; (b) Foley Hoag, 1301 Avenue of the Americas, 25th Floor, New York, New York 10019, Attn: Alison Bauer, Esq. (abauer@foleyhoag.com) and Jiun-Wen Bob Teoh, Esq. (jteoh@foleyhoag.com), and 155 Seaport Boulevard, Boston, Massachusetts 02210, Attn: Kenneth S. Leonetti, Esq. (ksl@foleyhoag.com); (c) Gibbons, P.C., 300 Delaware Ave., Suite 1015, Wilmington, Delaware 19801, Attn: Chantelle D. McClamb, Esq. (cmclamb@gibbonslaw.com), and One Gateway Plaza, Newark, New Jersey, 07102, Attn: Robert K. Malone, Esq. (rmalone@gibbonslaw.com); (d) the Office of the United States Trustee, 844 King Street, Suite 2207, Lockbox 35, Wilmington, Delaware; 19801, Attn: Jane M. Leamy, Esq. (jane.m.leafy@usdoj.gov); (e) counsel to the Senior Secured Noteholders, Greenberg Traurig, LLP, One International Place, Suite 2000, Boston, MA 02110, Attn: Julia Frost-Davies, Esq. (julia.frostdavies@gtlaw.com), and 222 Delaware Avenue, Suite 1600, Wilmington, Delaware 19801, Attn: Dennis Meloro, Esq. (melorod@gtlaw.com); and (f) counsel to any statutory committee appointed in these chapter 11 cases.

IF NO OBJECTIONS TO ANY OF THE FIRST DAY MOTIONS OR THE REJECTION MOTION ARE TIMELY FILED, SERVED, AND RECEIVED IN ACCORDANCE WITH THIS NOTICE, THE COURT MAY GRANT THE RELIEF REQUESTED IN CONNECTION WITH SUCH FIRST DAY MOTIONS WITHOUT FURTHER NOTICE OR HEARING.

Dated: February 14, 2024
Wilmington, Delaware

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