

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

In re

BURGESS BIOPOWER, LLC, *et al.*¹

Debtors.

Chapter 11

Case No. 24-10235 (LSS)
(Jointly Administered)

**SECOND² AMENDED NOTICE OF AGENDA OF MATTERS SCHEDULED FOR
HEARING ON FEBRUARY 21, 2024 AT 9:30 A.M. (ET) BEFORE
THE HONORABLE LAURIE SELBER SILVERSTEIN
824 N. MARKET STREET, 6TH FLOOR, COURTROOM NO. 2**

This hearing will be conducted in-person, any exceptions must be approved by chambers.

Parties may observe the hearing remotely by registering with the link below no later than February 20, 2024 at 4:00 p.m. (ET) To attend a hearing remotely, please register using the eCourtAppearance tool ([available here](#)) or on the court's website at www.deb.uscourts.gov.

The deadline to register for remote attendance is 4:00 p.m. (ET) the business day before the hearing unless otherwise noticed.

After the deadline has passed, an electronic invitation with the relevant audio or video link will be emailed to you prior to the hearing.

FIRST DAY MOTIONS GOING FORWARD

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](#); Filed 2/9/2024].

Objection Deadline: February 20, 2024 at 12:00 p.m. (ET)

Responses Received: None.

Related Documents: None.

Status: This matter is going forward.

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.

² **Amended Agenda items appear in bold.**

2. 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](#); Filed 2/9/2024].

Objection Deadline: February 20, 2024 at 12:00 p.m. (ET)

Responses Received: None.

Related Documents: None.

Status: This matter is going forward.

3. 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](#); Filed 2/9/2024].

Objection Deadline: February 20, 2024 at 12:00 p.m. (ET)

Responses Received:

- A. Objection of Public Service Company of New Hampshire to (1) 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; and (2) 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. 46](#); Filed 2/12/2024].

Related Documents:

- A. Motion of the Debtors for Leave to File Debtors' Reply in Response to the Objection of Public Service Company of New Hampshire to (1) 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; and (2) 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. 114](#); Filed 2/20/2024].
- B. Declaration of Dean Vomero In Support of the Debtors' Reply in Response to the Objection of Public Service Company of New Hampshire to (1) 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; and (2) 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. 117](#); Filed 2/20/2024].

C. Notice of Filing of Revised Proposed Interim and Final Orders for the 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. 134; Filed 2/20/2024].

Status: This matter is going forward.

4. 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](#); Filed 2/9/2024].

Objection Deadline: February 20, 2024 at 12:00 p.m. (ET)

Responses Received:

- A. Objection of Public Service Company of New Hampshire to (1) 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; and (2) 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. 46](#); Filed 2/12/2024].

Related Documents:

- A. Motion of the Debtors for Leave to File Debtors' Reply in Response to the Objection of Public Service Company of New Hampshire to (1) 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; and (2) 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. [114](#); Filed 2/20/2024].
- B. Declaration of Dean Vomero In Support of the Debtors' Reply in Response to the Objection of Public Service Company of New Hampshire to (1) 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; and (2) 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. [117](#); Filed 2/20/2024].

Status: This matter is going forward.

5. 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](#); Filed 2/9/2024].

Objection Deadline: February 20, 2024 at 12:00 p.m. (ET)

Responses Received:

- A. Objection of Public Service Company of New Hampshire to Debtors' Motion for Interim and Final Orders (I) Approving Entry into a New Lead Market Participant Agreement and (II) Granting Related Relief [[D.I. 44](#); Filed 2/12/2024].
- B. Informal comments from the United States of America.

Related Documents:

- A. Notice of Filing of Exhibit C to the Debtors' Motion for Interim and Final Orders (I) Approving Entry into a New Lead Market Participant Agreement and (II) Granting Related Relief [[D.I. 42](#); Filed 2/12/2024].
- B. Motion of the Debtors for Leave to File Debtors' Reply in Response to the Objection of Public Service Company of New Hampshire to Debtors' Motion for Interim and Final Orders (I) Approving Entry Into New Lead Market Participant Agreement and (II) Granting Related Relief [D.I. [113](#); Filed 2/20/2024].
- C. Statement of Senior Secured Noteholders In Support of the Debtors' LMP Motion, Rejection Motion, and DIP Motion [D.I. [122](#); Filed 2/20/2024].
- D. Notice of Filing of Revised Proposed Interim and Final Orders for the Motion of the Debtors for Interim and Final Orders (I) Approving Entry into a New Lead Market Participant Agreement and (II) Granting Related Relief [D.I. [127](#); Filed 2/20/2024].

Status: This matter is going forward.

- 6. 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](#); Filed 2/9/2024].

Objection Deadline: February 20, 2024 at 12:00 p.m. (ET)

Responses Received: None.

Related Documents: None.

Status: This matter is going forward.

- 7. 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](#); Filed 2/9/2024].

Objection Deadline: February 20, 2024 at 12:00 p.m. (ET)

Responses Received:

A. Preliminary Objection of Public Service Company of New Hampshire to 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. 84](#) ; Filed 2/13/2024].

B. Informal comments from the United States of America.

Related Documents:

A. Statement of Senior Secured Noteholders In Support of the Debtors' LMP Motion, Rejection Motion, and DIP Motion [[D.I. 122](#); Filed 2/20/2024].

B. Declaration of Neil Gupta In Support of the 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. 123](#); Filed 2/20/2024].

Status: This matter is going forward.

MATTERS GOING FORWARD

8. 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](#); Filed 2/9/2024].

Objection Deadline: February 20, 2024 at 12:00 p.m. (ET)

Responses Received:

A. Objection of Public Service Company of New Hampshire to 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. [110](#); Filed 2/20/2024].

Related Documents:

- A. Statement of Senior Secured Noteholders In Support of the Debtors' LMP Motion, Rejection Motion, and DIP Motion [D.I. [122](#); Filed 2/20/2024].
- B. Motion of the Debtors for Leave to File Debtors Reply in Response to the Objection of Public Service Company of New Hampshire to 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. [125](#); Filed 2/20/2024].
- C. Notice of Filing of Revised Proposed 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. [128](#); Filed 2/20/2024].

Status: This matter is going forward.

- 9. Motion of Public Service Company of New Hampshire, Pursuant to 28 U.S.C. § 1412 and Federal Rule of Bankruptcy Procedure 1014(a), to Transfer Venue of Bankruptcy Proceedings to United States Bankruptcy Court for the District of New Hampshire [D.I. [39](#); Filed 2/12/2024].

Objection Deadline: February 20, 2024 at 12:00 p.m. (ET)

Responses Received:

- A. CS Operations Inc., CS Berlin Ops Inc., and Berlin Biopower Investment Fund, LLC's Objection to the Motion of Public Service Company of New Hampshire, Pursuant to 28 U.S.C. § 1412 and Federal Rule of Bankruptcy Procedure 1014(a), to Transfer Venue of Bankruptcy Proceedings to United States Bankruptcy Court for the District of New Hampshire [D.I. [111](#); Filed 2/20/2024].
- B. Debtors' Objection to Motion of Public Service Company of New Hampshire, Pursuant to 28 U.S.C. § 1412 and Federal Rule of Bankruptcy Procedure 1014(A), to Transfer Venue of Bankruptcy Proceedings to United States Bankruptcy Court for the District of New Hampshire [D.I. [118](#); Filed 2/20/2024].
- C. Senior Secured Noteholders (I) Objection to Motion of Public Service Company of New Hampshire, Pursuant to 28 U.S.C. § 1412 and Federal Rule of Bankruptcy Procedure 1014(A), to Transfer Venue of Bankruptcy Proceedings to United States

Bankruptcy Court for the District of New Hampshire and (II) Joinder to the Debtors Objection Thereto [D.I. [119](#); Filed 2/20/2024].

Related Documents:

- A. Supplemental Motion of Public Service Company of New Hampshire, Pursuant to 28 U.S.C. § 1412 and Federal Rule of Bankruptcy Procedure 1014(a), To Transfer Venue of Bankruptcy Proceedings to United States Bankruptcy Court for the District of New Hampshire [D.I. [112](#); Filed 2/20/2024].
- B. Declaration of Dean Vomero in Support of Debtors' Objection to Motion of Public Service Company of New Hampshire, Pursuant to 28 U.S.C. § 1412 and Federal Rule of Bankruptcy Procedure 1014(a), to Transfer Venue of the Bankruptcy Proceedings to United States Bankruptcy Court for the District of New Hampshire [D.I. [121](#); Filed 2/20/2024].
- C. Declaration of Robert K. Malone in Support of Debtors' Objection to Motion of Public Service Company of New Hampshire, Pursuant to 28 U.S.C. § 1412 and Federal Rule of Bankruptcy Procedure 1014(a), to Transfer Venue of the Bankruptcy Proceedings to United States Bankruptcy Court for the District of New Hampshire [D.I. [120](#); Filed 2/20/2024].
- D. Motion of the State of New Hampshire to Transfer Venue of Bankruptcy Case by Joining in and Adopting the Previously Filed Motion to Transfer Venue of Public Service of New Hampshire [D.I. 136; Filed 2/20/2024].**

Status: This matter is going forward.

Dated: February 20, 2024
Wilmington, Delaware

/s/ Chantelle D. McClamb
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