

**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) Ref. Dkt. No. 22, 110, 125
--	---

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) AND (II) GRANTING RELATED RELIEF

Upon 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* (the “Motion”);² and upon the *Declaration of Dean Vomero Pursuant to 28 U.S.C. § 1746 in Support of the Debtors’ Chapter 11 Petitions and First Day Pleadings*; and the Court finding that: (a) the Court has jurisdiction over this matter 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; (b) this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); (c) the Court having found that venue of this proceeding and the Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and (d) the Court may enter a final order consistent with Article III of the United States Constitution; and this Court having held a hearing on February 21, 2024 (the “Hearing”) to consider the relief requested in the Motion and the objection filed thereto; and it appearing that sufficient notice of

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

the Motion has been given and that no other further notice is necessary; and upon the record herein, including the findings this Court made at the Hearing, this Court having determined that good cause exists to grant the relief requested in the Motion; it is hereby

ORDERED THAT:

1. The Motion is GRANTED as set forth herein.
2. The PPA and the Option Agreement (collectively, the “Rejected Contract”) are hereby rejected effective as of February 29, 2024, in connection with and pursuant to the *Order (I) Approving the Settlement by and Among the Debtors, Senior Secured Lenders, and Public New Hampshire Company of New Hampshire, Doing Business as Eversource and (II) Granting Related Relief* [D.I. 185] (the “9019 Order”), and Eversource shall be entitled to assert such rights with respect to the Rejected Contract, and only such rights, as set forth in the 9019 Order and the Settlement Agreement entered into pursuant to the 9019 Order. For the avoidance of doubt, the Large Generator Interconnection Agreement is not a Rejected Contract.
3. Eversource must file a proof of claim for any damages arising from rejection of the Rejected Contract by the deadline established for creditors other than governmental units to file proofs of claims in the Chapter 11 Cases. Eversource’s rights with respect to any such proof of claim shall be governed by the 9019 Order and the Settlement Agreement entered into pursuant to the 9019 Order.
4. Notwithstanding the relief granted in this Order and any actions taken pursuant to such relief, nothing in this Order shall be deemed a waiver of the Debtors’ rights as governed by the 9019 Order and the Settlement Agreement entered into pursuant to the 9019 Order
5. The Debtors are authorized to take all actions that may be necessary to effectuate the relief granted pursuant to this Order in accordance with the Motion.

6. ISO New England Inc. (“ISO-NE”) and all applicable government authorities are authorized to take all actions necessary and/or appropriate to effectuate the relief granted pursuant to this Order in accordance with the Motion, including without limitation transfer of the Lead Participant and/or Lead Market Participant (as such terms are defined by New England Power Pool or ISO-NE) designation for the Debtors’ energy and capacity assets. To the extent provided by Bankruptcy Code section 525, no governmental unit (as defined in Bankruptcy Code section 101(27)) may “deny, revoke, suspend, or refuse to renew a license, permit, charter, franchise, or other similar grant” to the Debtors, or any person associated with the Debtors, based on these Chapter 11 Cases. All government recording offices are authorized to accept notices and/or other documents reflecting termination of the Option Agreement.

7. This Order is effective immediately upon its entry.

8. The Court shall retain jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.

Dated: February 28th, 2024
Wilmington, Delaware


LAURIE SELBER SILVERSTEIN
UNITED STATES BANKRUPTCY JUDGE