

**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. 18, 42
--	---

**FINAL ORDER (I) APPROVING ENTRY INTO NEW
LEAD MARKET PARTICIPANT AGREEMENT
AND (II) GRANTING RELATED RELIEF**

Upon the *Debtors' Motion for Interim and Final Orders (I) Approving Entry into a New Lead Market Participant Agreement 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; (d) the Court having previously entered an order granting the Motion on an interim basis (the "Interim Order"); and (e) the Court may enter a final order consistent with Article III of the United States Constitution; and upon the record herein; and after due deliberation thereon; and it appearing that sufficient notice of the Motion has been given and that no other further notice is necessary; and good cause appearing therefor; it is hereby

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.

ORDERED THAT:

1. The Motion is GRANTED on a final basis, as set forth herein.
2. The Debtors are authorized in their sole discretion to enter into and continue to perform under a new Lead Market Participant Services agreement with CS Berlin Ops or such other party consented to by the Senior Secured Noteholders and DIP Lenders on the terms previously approved by the Court in the Interim Order, and to sell their Products (as defined in the PPA) in and on any available market, notwithstanding any provisions of the PPA.
3. In light of entry of this Final Order and this Court's order rejecting the PPA and the Option Agreement, ISO New England Inc. and all applicable government authorities are authorized to take all actions necessary and/or appropriate to effectuate the relief granted pursuant to this Final Order in accordance with the Motion, including, without limitation transfer of the Lead Market Participant 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.
4. Nothing contained herein is or should be construed as: (a) an admission as to the validity of any claim against the Debtors or the existence of any lien against the Debtors' property; (b) a waiver of the Debtors' rights to dispute any claim or lien on any grounds; (c) a promise to pay any claim; (d) an implication or admission that any particular claim would constitute an allowed claim; (e) an assumption or rejection of any executory contract or unexpired lease pursuant to Section 363 of the Bankruptcy Code; (f) a waiver of any rights, claims, causes of action and defenses the Debtors have or may have related to Eversource; or (g) a limitation on the Debtors'

rights under Section 365 of the Bankruptcy Code to assume or reject any executory contract with any party subject to the Proposed Orders once entered. Nothing contained herein shall be deemed to increase, reclassify, elevate to an administrative expense status, or otherwise affect any claim to the extent it is not paid.

5. The requirements set forth in Rule 6004(a) of the Bankruptcy Rules are hereby waived.
6. The Debtors are authorized to take all actions necessary to effectuate the relief granted pursuant to this Final Order in accordance with the Motion.
7. This Final Order is effective immediately upon its entry.
8. This Court shall retain jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Final Order.

Dated: March 13th, 2024
Wilmington, Delaware



LAURIE SELBER SILVERSTEIN
UNITED STATES BANKRUPTCY JUDGE