

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
_____ DIVISION**

IN RE:)
)
XXXXX XXXX XXXXXXXX,) CASE NO. XX-XXXXX
)
Debtor.)
)

**FINAL ORDER FINDING UTILITIES ADEQUATELY ASSURED OF PAYMENT AND
ESTABLISHING FURTHER PROCEDURES PURSUANT TO 11 U.S.C. § 366**

This matter came before the Court on _____ to consider the above captioned debtor’s (“Debtor’s”) Motion for Interim and Final Orders Finding Utilities Adequately Assured of Payment and Establishing Further Procedures Pursuant to 11 U.S.C. § 366 (the “Motion”).
Appearing at the hearing were _____.

The Court finds that: (i) it has jurisdiction over this matter pursuant to 28 U.S.C. § 1334; (ii) it has statutory authority under 28 U.S.C. § 157(b)(2) and constitutional authority to hear and determine and to issue final rulings in this constitutionally core proceeding; (iii) venue of this case and the Motion are proper in this District pursuant to 28 U.S.C. §§ 1408 and 1409; (iv) notice of the Motion was sufficient under the circumstances and for purposes of the relief granted herein; and (v) upon the record herein, and after due deliberation, good and sufficient cause exists for the relief granted herein. Accordingly, it is hereby,

ORDERED that the Motion is GRANTED on a FINAL BASIS;

IT IS FURTHER ORDERED THAT the utility providers (“Utility Providers”) included in the chart attached hereto as **Exhibit A** (“Adequate Assurance Chart”) shall be adequately assured of payment under 11 U.S.C. § 366(c)(2) upon Debtor’s provision of the adequate assurance (“Adequate Assurance”) set forth in the Adequate Assurance Chart, to the extent not already provided, within 10 days of the entry of this Order.

IT IS FURTHER ORDERED THAT Utility Providers are prohibited from altering, refusing, discontinuing, or terminating services for lack of adequate assurance of postpetition payment;

IT IS FURTHER ORDERED THAT, upon the discovery of any additional utility providers (each an “Additional Utility Provider”, and collectively “Additional Utility Providers”) who are not listed in the Adequate Assurance Chart, Debtor shall: (i) file a supplemental Utility Provider Chart (“Supplement”) which includes the name, service, amount owed as of the Petition Date, average monthly bill for the six months prior to the Petition Date, and the proposed adequate assurance (“Proposed Adequate Assurance”) for each Additional Utility Provider, (ii) contemporaneously serve a copy of this Order and the Supplement to each Additional Utility Provider, and (iii) provide the Proposed Adequate Assurance to each Additional Utility Provider within 10 days of filing the Supplement;

IT IS FURTHER ORDERED THAT Additional Utility Providers listed in a Supplement shall be adequately assured of payment under 11 U.S.C. § 366(c)(2) upon Debtor’s provision of the Proposed Adequate Assurance within 10 days of filing the Supplement. Additional Utility Providers shall have 20 days from service of this Order and the Supplement to request additional assurance of payment from Debtor by submitting a written request, which may be by electronic mail (“Additional Assurance Request”), to counsel for Debtor which includes the following information: (i) Debtor’s account number with Additional Utility Provider, (ii) the category of utility service provided to Debtor, (iii) the location(s) to which Additional Utility Provider provides utility service to Debtor, (iv) the outstanding balance, if any, on Debtor’s account with Additional Utility Provider, (v) a list of any deposits or security held by Additional Utility Provider immediately prior to the Petition Date on account of Debtor, (vi) a list of any deposits or security currently held by Additional Utility Provider on account of Debtor, (vii) a summary of Debtor’s usage history with Additional Utility Provider for the six months prior to the Petition Date, (viii) an explanation of why Additional Utility Provider believes the Proposed Adequate Assurance is not adequate assurance of future payment, and (ix) a description of an arrangement Additional Utility Provider would accept as satisfactory adequate assurance of future payment;

IT IS FURTHER ORDERED THAT Debtor is authorized to provide any additional assurance of payment as provided under 11 U.S.C. § 366(c)(1)(A) to which Debtor and any Additional Utility Provider may agree to in writing (including electronic mail), which additional assurance shall constitute adequate assurance of payment under 11 U.S.C. § 366(c)(2) on a final basis, provided that the total of the Proposed Adequate Assurance and the Additional Assurance is an amount no more than two times the historical average monthly amount payable by Debtor to that Additional Utility Provider for the six-month period prior to the Petition Date. If Debtor and any Additional Utility Provider reach a written agreement that Debtor shall provide additional assurance of payment, but the total of the Proposed Adequate Assurance and the Additional Assurance is an amount more than two times the historical average monthly amount payable by Debtor to that Additional Utility Provider for the six-month period prior to the Petition Date or if Debtor and any Additional Utility Provider are unable to reach an agreement, the Court, upon request of either party, shall schedule a hearing to determine the appropriate amount, if any, of additional assurance of future payment to which that Additional Utility Provider is entitled. An Additional Utility Provider shall be deemed to be adequately assured of

payment until entry of an order determining that Additional Utility Provider is entitled to additional assurance of future payment;

IT IS FURTHER ORDERED THAT Debtor is authorized and empowered to take all actions necessary to implement the relief granted in this Order;

IT IS FURTHER ORDERED THAT the relief granted in this Order shall not authorize Debtor to take any act or make any payment that is inconsistent with any other orders of the Court, including any orders regarding cash collateral;

IT IS FURTHER ORDERED THAT, notwithstanding Federal Rule of Bankruptcy Procedure 6004(h), the terms and conditions of this Order shall be immediately effective and enforceable upon its entry; and

IT IS FURTHER ORDERED THAT the Court shall retain jurisdiction with respect to all matters arising from or related to the implementation of this Order.

END OF DOCUMENT

Exhibit A

Adequate Assurance Chart

Name of Utility Provider	Category of Utility	Adequate Assurance