

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

In re:

ECTOR COUNTY ENERGY CENTER LLC,¹

Debtor.

Chapter 11

Case No. 22-10320 (JTD)

Re: Docket No. 181

**ORDER (I) ESTABLISHING BAR DATES FOR
FILING PROOFS OF CLAIM, INCLUDING SECTION 503(b)(9) CLAIMS AND
(II) APPROVING FORM AND MANNER OF NOTICE THEREOF**

Upon the motion (the “Motion”)² of the Debtor for an order (“Bar Date Order”), pursuant to Bankruptcy Code sections 501, 502, and 1111(a); Bankruptcy Rules 2002, 3003(c)(3), and 5005(a); and Local Rules 1009-2, 2002-1, and 3003-1, (i) establishing August 25, 2022 as the deadline by which each person or entity (including, without limitation, individuals, partnerships, corporations, joint ventures, and trusts), other than governmental units, must file a proof of claim (each, a “Proof of Claim”) based on claims against the Debtor that arose prior to the Petition Date, including requests for allowance and payment of claims under section 503(b)(9) of the Bankruptcy Code for goods delivered and received by the Debtor in the 20 days prior to the Petition Date (the “General Bar Date”), (ii) establishing October 11, 2022 as the deadline by which any governmental unit (as term is defined in section 101(27) of the Bankruptcy Code) must file Proofs of Claim against the Debtor (the “Government Bar Date”)(with the General Bar Date, the “Bar Dates”); (iii)

¹ The last four digits of the Debtor’s federal tax identification are 6852. The Debtor’s mailing address is One South Wacker Drive, Suite 1900, Chicago, IL, 60606, and the Debtor has a principal place of business at 8200 OB Holt Road, Goldsmith, Ector County, Texas, 79761. More information about the Debtor and this case is available on the website maintained by Donlin, Recano & Company, Inc., the Debtor’s claims and noticing agent, at www.donlinrecano.com/ecec, or can be requested by e-mail at ececinfo@donlinrecano.com.

² Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to such terms in the Motion.

approving procedures for filing Proofs of Claim; and (iv) approving the form and manner of notice thereof; and the Court having jurisdiction to consider the Motion and the relief requested therein in accordance with 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 as of February 29, 2012; and consideration of the Motion and the requested relief being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Motion having been provided to the Notice Parties, and it appearing that no other or further notice need be provided; and the Court having determined that there is good and sufficient cause for the relief set forth in this Order; and upon the record herein; and after due deliberation;

IT IS HEREBY ORDERED THAT:

1. The Motion is **GRANTED** as set forth herein.

A. The Bar Dates

2. Except as otherwise set forth herein, **on or before August 25, 2022** (the “General Bar Date”), all persons or entities holding or wishing to assert a Claim against the Debtor or its estate arising or accruing prior to the Petition Date, including a Claim arising under Bankruptcy Code section 503(b)(9), are required to file a separate, completed, and executed proof of such Claim conforming substantially to Official Bankruptcy Form B10 attached hereto as **Exhibit 2** (the “Proof of Claim Form”) in accordance with the requirements of this Order.

3. In addition, the deadline for “governmental units” to file Proofs of Claim is established as **October 11, 2022** (the “Government Bar Date”).

4. If the Debtor amends the Schedules to reduce the amount scheduled, or to change the nature or classification of a Claim reflected therein, or to designate as disputed, contingent, or unliquidated a claim that had previously not been so designated, then the affected claimant shall

have until the later of the General Bar Date or twenty-one (21) days after a claimant is served with notice that the Debtor has amended the Schedules, reducing, deleting, or changing the status of a Claim in the Schedules, to file a Proof of Claim Form with respect to such Claim (the “Amended Schedule Bar Date”).

5. Except as otherwise set forth in any order authorizing the rejection of an executory contract or unexpired lease, the date by which a completed Proof of Claim Form relating to the Debtor’s rejection of an executory contract or unexpired lease must be filed shall be the latest of: (i) the General Bar Date, or (ii) the date provided in (A) the order authorizing the Debtor to reject (“Rejection Order”), or (B) if no such date is provided, then 5:00 p.m. (Prevailing Eastern Time) on the date that is 30 days after service of notice of entry of the Rejection Order on the affected claimant (the “Rejection Bar Date”, and together with the General Bar Date, the Government Bar Date and the Amended Schedule Bar Date, the “Bar Dates”).

B. Parties Required to File Proofs of Claim

6. The Bar Dates apply to all Claims held or to be asserted against the Debtor that arose prior to the Petition Date, including the following:

- (a) Any Claimant whose Claim against the Debtor is not listed in the Schedules, if such Entity desires to participate or share in any distribution or vote on any plan of reorganization or liquidation in this Chapter 11 Case.
- (b) Any Claimant whose Claim is listed in the Schedules as “disputed,” “contingent,” or “unliquidated,” if such Entity desires to participate or share in any distribution or vote on any plan of reorganization or liquidation in this Chapter 11 Case;
- (c) Any Claimant who believes its Claim is improperly classified in the Schedules or is listed in an incorrect amount, if such Entity desires to have its Claim allowed in a classification or amount different from that set forth in the Schedules; and
- (d) Any Claimant who believes it holds a 503(b)(9) Claim against the Debtor.

C. Parties Not Required to File Proofs of Claim

7. The Following Claimants need not file a Proof of Claim:

- (a) Any Claimant (i) that agrees with the nature, classification, and amount of his, her, or its Claim as set forth in the Schedules and (ii) whose Claim against the Debtor is not listed as “disputed,” “contingent,” or “unliquidated” in the Schedules;
- (b) Any Claimant that has already properly filed a proof of claim against the Debtor in a form substantially similar to Official Form No. 10;
- (c) Any Claimant asserting a Claim allowable under (i) Bankruptcy Code sections 503(b) and 507(a)(2) as an administrative expense of the Chapter 11 Case (other than a 503(b)(9) Claim) or (ii) 28 U.S.C. § 1930(a), together with any interest and penalties associated with same; and
- (d) Any Claimant whose Claim against the Debtor previously has been allowed by, or paid pursuant to, an order of the Court.

D. The Effect of the Bar Dates

8. Pursuant to Bankruptcy Rule 3003(c)(2), any person or entity, including any Claimant with a Section 503(b)(9) Claim, required to file a proof of claim in this Chapter 11 Case that fails to do so by the applicable Bar Date shall, unless the Court orders otherwise:

- (a) in the case of a Claimant whose Claim is not listed in the Schedules, or whose Claim is listed in the Schedules as “disputed,” “contingent,” or “unliquidated,” be forever barred, estopped, and enjoined from (i) asserting any Claim against the Debtor or the Debtor’s estate in this Chapter 11 Case, and (ii) voting upon or receiving distributions under any plan of reorganization or liquidation in this Chapter 11 Case with respect to such Claim; or
- (b) in the case of a Claimant who believes its Claim is improperly classified in the Schedules or is listed in an incorrect amount in the Schedules, be forever barred, estopped, and enjoined from (i) asserting any Claim against the Debtor or the Debtor’s estate in this Chapter 11 Case that is greater than the amount set forth in the Schedules or with a classification that differs from the classification set forth in the Schedules, and (ii) voting upon or receiving distributions under any plan of reorganization or liquidation in this Chapter 11 Case with respect to such Claim for an amount that exceeds the amount of such Claim as set forth in the Schedules, or with a classification for such Claim that differs from the classification for such Claim that is set forth in the Schedules; *provided, however*, that nothing in this paragraph shall prevent distributions on account of allowed late-filed claims (consistent with 11 U.S.C. § 726(a)(2)) in the event that the above-captioned case is converted to a case under chapter 7 of the Bankruptcy Code; and provided further that a holder of a Claim shall be able to assert and vote upon any undisputed, noncontingent and

liquidated claims identified in the Schedules on behalf of such holder, in the amount set forth in the Schedules, and receive distributions under any plan of reorganization or liquidation in this case on account of such scheduled claim.

E. Procedures for Providing Notice of Bar Dates

9. The form of the Bar Date Notice attached hereto as **Exhibit 1** is approved.

10. The form of the Proof of Claim Form attached hereto as **Exhibit 2** is approved.

11. Pursuant to Bankruptcy Rule 2002(1), the Court finds that notice by mail to all potential creditors is impracticable and therefore the Debtor shall, within seven (7) business days of mailing the Bar Date Notice, publish the Bar Date Notice, with such changes as may be required for publication, once in the national edition of USA Today, which publication is hereby approved in all respects and which shall be deemed good, adequate, and sufficient publication notice of the Bar Dates. The Debtor is authorized to cause such publication to be made, and to make reasonable payments required for such publication, without further order.

12. Prior to mailing the Bar Date Notice and publishing the Bar Date Notice, the Debtor may cause to be filled in any missing dates and other information, correct any typographical errors, conform the provisions thereof to this Order, and make such other non-material changes to the Bar Date Notice and the Proof of Claim Form as the Debtor deems necessary or appropriate.

13. The publication described in Paragraph 11, together with the notice procedures set forth in Paragraph 14 below, is hereby determined to be valid and proper due process notice of the Bar Dates to unknown creditors of the Debtor, whether the Debtor elects to publish Notice of the Bar Dates in additional newspapers with circulation within the State of Texas or otherwise.

14. No later than five (5) business days after the entry of the Bar Date Order, the Debtor with the assistance of Donlin, shall mail the Bar Date Notice Package by first-class U.S. mail, postage prepaid (or equivalent service), including the Bar Date Notice attached hereto as **Exhibit 1**

and the Proof of Claim Form substantially conforming to Official Bankruptcy Form B10 attached hereto as **Exhibit 2**, on the following parties:

- (a) the Office of the United States Trustee for the District of Delaware;
- (b) counsel to and Ector County Generation LLC, the stalking horse bidder to purchase substantially all of the Debtor's assets;
- (c) all known potential creditors and their counsel (if known), including all Entities listed in the Schedules as potentially holding Claims;
- (d) all parties that have requested notice of the proceedings in the Chapter 11 Case pursuant to Bankruptcy Rule 2002 as of the date of the Bar Date Order;
- (e) all parties that have filed proofs of claim in the Chapter 11 Case as of the date of the Bar Date Order;
- (f) all parties party to executory contracts and unexpired leases with the Debtor;
- (g) all persons or entities, and their counsel, if known, who are party to litigation with the Debtor;
- (h) the Internal Revenue Service and Delaware, Texas and Illinois state and local taxing authorities;
- (i) the Office of the United States Attorney for the District of Delaware;
- (j) all other governmental units for the jurisdictions in which the Debtor maintains or conducts business;
- (k) the Debtor's former officers, directors, and employees to the extent that contact information for such former officers, directors, and employees is available in the Debtor's records for the two years prior to the Petition Date;
- (l) all holders of equity interests in the Debtor; and
- (m) the Notice Parties, and any other parties listed on the Debtor's creditor matrix, to the extent not covered by the categories above.

15. The Debtor shall file a copy of the Bar Date Notice on the docket of the Chapter 11 Case that identifies the General Bar Date and all other Bar Dates approved by this Order.

16. Donlin shall prominently display the Bar Dates and post the Proof of Claim Form and Bar Date Notice on its website at <https://www.donlinrecano.com/Clients/ecec/Index>.

17. Provision of notice of the Bar Dates as set forth in this Bar Date Order constitutes adequate and sufficient notice of each of the Bar Dates and is deemed to satisfy all applicable notice requirements.

F. Procedures for Filing Proofs of Claim

18. For any Proof of Claim Form to be validly and properly filed, a signed original of the completed Proof of Claim Form, together with accompanying documentation, must be submitted to the Debtor's noticing and claims agent, Donlin, Recano & Company, Inc. in accordance with Local Rule 3003-1(a) so that it is **actually received** no later than the applicable Bar Date either by electronically using the interface available on Donlin's website at www.donlinrecano.com/Clients/ecec/FileClaim, or by mail or hand delivery at the following addresses:

If by mail:

Donlin, Recano & Company, Inc.
Re: Ector County Energy Center LLC
P.O. Box 199043
Blythebourne Station
Brooklyn, NY 11219

If by overnight courier or hand delivery:

Donlin, Recano & Company, Inc.
Re: Ector County Energy Center LLC
6201 15th Avenue
Brooklyn, NY 11219

19. Proof of Claim Forms shall be deemed filed when **actually received** by Donlin (not on the date of the postmark).

20. Each Proof of Claim must: (i) be written in English; (ii) include a Claim amount denominated in United States dollars; (iii) conform substantially with the Proof of Claim Form provided by the Debtor or Official Bankruptcy Form B10; (iv) state a Claim against the Debtor

and (v) be signed by the claimant or, if the claimant is not an individual, by an authorized agent of the claimant.

21. Each Proof of Claim must include supporting documentation (or, if such documentation is voluminous, include a summary of such documentation) or an explanation as to why such documentation is not available; provided, however, that a Proof of Claim may be filed without supporting documentation if the filing Claimant agrees in its Proof of Claim that it shall transmit such writings to the Debtor, the Office of the U.S. Trustee for the District of Delaware, any Official Committee of Unsecured Creditors, or other party in interest so requesting no later than 10 days from the date of such request.

22. Any Entity that files a Proof of Claim by mail and wishes to receive a clocked-in copy by return mail must include an additional copy of the Proof of Claim and a self-addressed, postage-paid envelope.

23. Donlin shall not be required to and will not be deemed to have accepted Proofs of Claim sent by facsimile or electronic mail transmission. All Claimants that rely on the Schedules with respect to filing a Proof of Claim Form in the Chapter 11 Case are responsible for determining that their Claims are accurately listed therein; the Schedules will be available for inspection free of charge by Donlin at www.donlinrecano.com/Clients/ecec/Static/soals, or can be requested by e-mail at ececinfo@donlinrecano.com.

24. The Debtor retains all rights to (i) object to any Proof of Claim on any grounds; (ii) dispute, or assert offsets or defenses to, any claim reflected on the Schedules, or any amendments thereto, as to amount, liability, classification, or otherwise; and (iii) subsequently designate any claim as disputed, contingent, unliquidated, or undetermined.

25. Notification of the relief granted in this Order as provided herein is fair and reasonable and is approved, and will provide good, sufficient, and proper notice to all creditors in connection with claims they may have against the Debtor in the Chapter 11 Case.

26. The Debtor and Donlin are authorized to take all actions necessary to effectuate the relief granted pursuant to this Order in accordance with the Motion.

27. The terms and conditions of this Order shall be immediately effective and enforceable upon entry of this Order.

28. All time periods set forth in this Order shall be calculated in accordance with Bankruptcy Rule 9006(a).

29. The Court retains jurisdiction with respect to all matters arising from or related to the implementation of this Order.

Dated: June 17th, 2022
Wilmington, Delaware

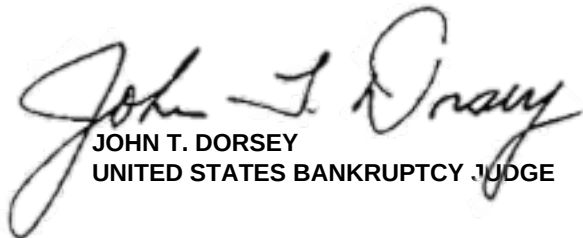

JOHN T. DORSEY
UNITED STATES BANKRUPTCY JUDGE

Exhibit 1

(Notice of Bar Dates)

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

In re:

ECTOR COUNTY ENERGY CENTER LLC,¹

Debtor.

Chapter 11

Case No. 22-10320 (JTD)

Re: Docket No. ____

**NOTICE OF BAR DATE FOR FILING OF PROOFS OF
CLAIM, INCLUDING SECTION 503(b)(9) CLAIMS**

TO ALL PERSONS AND ENTITIES WITH CLAIMS AGAINST THE ABOVE CAPTIONED DEBTOR, ECTOR COUNTY ENERGY CENTER LLC, PLEASE TAKE NOTICE THAT:

On April 11, 2022 (the “Petition Date”), Ector County Energy Center LLC, the above-captioned debtor and debtor in possession (the “Debtor”), filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”) in the United States Bankruptcy Court for the District of Delaware (the “Court”). The Debtor has continued in possession of its property pursuant to Bankruptcy Code sections 1107(a) and 1108.

Pursuant to the order dated _____, 2022 (the “Bar Date Order”),² the Court has established deadlines described herein for each person or entity (including individuals, partnerships, corporations, joint ventures, trusts and governmental units) to file a proof of claim against the Debtor, including establishing (i) **August 25, 2022** as the general deadline by which each person or entity, other than governmental units, must file a proof of claim (each, a “Proof of Claim”) based on any asserted claims against the Debtor that arose prior to the Petition Date, including requests for allowance and payment of claims under section 503(b)(9) of title 11 of the United States Code (the “Bankruptcy Code”) for goods delivered and received by the Debtor in the 20 days prior to the Petition Date (the “General Bar Date”); and (ii) **October 10, 2022** (the “Government Bar Date”) as the deadline for governmental units to file a Proof of Claim. Your rights as a creditor may be affected and you are advised to read the foregoing carefully to ensure compliance.

¹ The last four digits of the Debtor’s federal tax identification are 6852. The Debtor’s mailing address is One South Wacker Drive, Suite 1900, Chicago, IL, 60606, and the Debtor has a principal place of business at 8200 OB Holt Road, Goldsmith, Ector County, Texas, 79761. More information about the Debtor and this case is available on the website maintained by Donlin, Recano & Company, Inc., the Debtor’s claims and noticing agent, at www.donlinrecano.com/ecec, or can be requested by e-mail at ececinfo@donlinrecano.com.

² Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to such terms in the Bar Date Order.

1. WHO MUST FILE A PROOF OF CLAIM

You **MUST** file a separate, completed, and executed Proof of Claim by completing the proof of claim form enclosed herewith and attached to the Bar Date Order as **Exhibit 2** (the “**Proof of Claim Form**”) to vote on any chapter 11 plan filed by the Debtor or to share in distributions from the Debtor’s bankruptcy estate if you have a claim (as “claim” is defined in the Bankruptcy Code section 101(5)) against the Debtor or the Debtor’s estate arising or accruing prior to the Petition Date, including claims arising under Bankruptcy section 503(b)(9) (each a “**Claim**”), and your Claim is not one of the other types of claims described in section 2 below.

The Bar Dates apply to all Claims held or to be asserted against the Debtor that arose prior to the Petition Date, including the following:

- (a) Any Claimant whose Claim against the Debtor is not listed in the Schedules, if such Entity desires to participate or share in any distribution or vote on any plan of reorganization or liquidation in this Chapter 11 Case.
- (b) Any Claimant whose Claim is listed in the Schedules as “disputed,” “contingent,” or “unliquidated,” if such Entity desires to participate or share in any distribution or vote on any plan of reorganization or liquidation in this Chapter 11 Case;
- (c) Any Claimant who believes its Claim is improperly classified in the Schedules or is listed in an incorrect amount, if such Entity desires to have its Claim allowed in a classification or amount different from that set forth in the Schedules; and
- (d) Any Claimant who believes it holds a 503(b)(9) Claim against the Debtor.

Pursuant to the Bar Date Order, the filing of a Proof of Claim Form shall be deemed to satisfy the procedural requirements for the assertion of administrative priority claims under Bankruptcy Code sections 503(b)(9). All other administrative claims under Bankruptcy Code section 503(b) must be made by separate requests for payment in accordance with Bankruptcy Code section 503(a) and will not be deemed proper if made by a Proof of Claim Form. No deadline has been established for the filing of administrative claims other than Claims under Bankruptcy Code section 503(b)(9).

Except as otherwise set forth in the Bar Date Order, Claims, including Claims under Bankruptcy Code section 503(b)(9), must be filed by the General Bar Date and such Claims shall be forever barred if you fail to do so.

2. Parties Not Required to File Proofs of Claim

AT THIS TIME, Proof of Claim Forms ARE NOT REQUIRED to be filed by Creditors holding or wishing to assert Claims against the Debtor for the following types of claims (collectively, the “**Excluded Claims**”):

- (b) Any person or entity (i) that agrees with the nature, classification, and amount of his, her, or its Claim as set forth in the Schedules, and (ii) whose

Claim against the Debtor is **not** listed as “disputed,” “contingent,” or “unliquidated” in the Schedules;

- (c) Any person or entity that has already properly filed a proof of claim against the Debtor in a form substantially similar to Official Form No. 10;
- (d) Any person or entity asserting a Claim allowable under (i) Bankruptcy Code sections 503(b) and 507(a)(2) as an administrative expense of the Chapter 11 Case (other than any 503(b)(9) Claim) or (ii) 28 U.S.C. § 1930(a), together with any interest and penalties associated with same; and
- (e) Any person or entity whose Claim against the Debtor previously has been allowed by, or paid pursuant to, an order of the Court.

Should the Court fix a date in the future after the General Bar Date by which time any of the Excluded Claims must be filed, you will be so notified.

3. Amended Schedule Bar Date

It is your responsibility to determine whether your Claim is listed on the Debtor’s schedules of assets and liabilities and statement of financial affairs filed in this case (collectively, the “Schedules”) and available on the website maintained by Donlin, Recano & Company, Inc., the Debtor’s claims and noticing agent (“Donlin”), at: www.donlinrecano.com/Clients/ecec/Static/soals.

If the Debtor amends the Schedules to reduce the amount scheduled, or to change the nature or classification of a Claim reflected therein, or to designate as disputed, contingent, or unliquidated a claim that had previously not been so designated, then the affected claimant shall have until the later of the General Bar Date or twenty-one (21) days after a claimant is served with notice that the Debtor has amended the Schedules, reducing, deleting, or changing the status of a Claim in the Schedules, to file a Proof of Claim Form with respect to such Claim (the “Amended Schedule Bar Date”).

4. Rejection Bar Date

Except as otherwise set forth in any order authorizing the rejection of an executory contract or unexpired lease, the date by which a completed Proof of Claim Form relating to the Debtor’s rejection of an executory contract or unexpired lease must be filed shall be the latest of: (i) the General Bar Date, or (ii) the date provided in (A) the order authorizing the Debtor to reject (“Rejection Order”), or (B) if no such date is provided, then 5:00 p.m. (Prevailing Eastern Time) on the date that is 30 days after service of notice of entry of the Rejection Order on the affected claimant (the “Rejection Bar Date”, and together with the General Bar Date, the Government Bar Date and the Amended Schedule Bar Date, the “Bar Dates”).

5. Proof of Claim Filing Requirements and Procedures

For any Proof of Claim Form to be validly and properly filed, a signed original of the

completed Proof of Claim Form, together with accompanying documentation, must be submitted to the Debtor's noticing and claims agent, Donlin, Recano & Company, Inc., either by mail or hand delivery or electronically using the interface available on Donlin website at www.donlinrecano.com/Clients/ecec/FileClaim in accordance with Local Rule 3003-1(a) so that it is received no later than the applicable Bar Date. Proof of Claim Forms shall be deemed filed when **actually received** by Donlin (**NOT the date of the postmark**).

Proof of Claim Forms delivered by First-Class Mail to Donlin should be addressed and sent to:

Donlin, Recano & Company, Inc.
Re: Ector County Energy Center LLC
P.O. Box 199043
Blythebourne Station
Brooklyn, NY 11219

Proof of Claim Forms delivered by hand delivery or overnight mail to Donlin should be addressed and sent to:

Donlin, Recano & Company, Inc.
Re: Ector County Energy Center LLC
6201 15th Avenue
Brooklyn, NY 11219

Any person or entity that files a Proof of Claim by mail, overnight courier, or hand delivery, who wishes to receive a clocked-in copy by return mail must include an additional copy of the proof of claim and a self-addressed, postage-paid envelope.

Donlin shall not be required to and will not be deemed to have accepted Proofs of Claim sent by facsimile or electronic mail transmission.

A Proof of Claim Form is enclosed with this notice and may be used to file your Claims. Additional Proof of Claim Forms are available at <https://www.uscourts.gov/services-forms/forms> or at www.donlinrecano.com/Clients/ecec/Static/POC.

Each Proof of Claim must: (i) be written in English; (ii) include a Claim amount denominated in United States dollars; (iii) conform substantially with the Proof of Claim Form provided by the Debtor or Official Bankruptcy Form B10; (iv) state a Claim against the Debtor; and (v) be signed by the claimant or, if the claimant is not an individual, by an authorized agent of the claimant.

Each Proof of Claim must include supporting documentation (or, if such documentation is voluminous, include a summary of such documentation) or an explanation as to why such documentation is not available; provided, however, that a Proof of Claim may be filed without supporting documentation if the filing Claimant agrees in its Proof of Claim that it shall transmit such writings to the Debtor, the Office of the U.S. Trustee for the District of Delaware, any Official Committee of Unsecured Creditors, or other party in interest so requesting no later than 10 days

from the date of such request.

6. Consequences of Failure to Properly File a Proof of Claim Form by the Applicable Bar Date

PLEASE TAKE FURTHER NOTICE THAT, **EXCEPT WITH RESPECT TO EXCLUDED CLAIMS DESCRIBED ABOVE**, ANY PERSON OR ENTITY WHO IS REQUIRED TO FILE A PROOF OF CLAIM BUT FAILS TO DO SO ON OR BEFORE THE APPLICABLE BAR DATE SHALL NOT, UNLESS THE COURT ORDERS OTHERWISE, BE TREATED AS A CREDITOR WITH RESPECT TO SUCH CLAIM FOR PURPOSES OF VOTING AND DISTRIBUTION.

Specifically, any person or entity required to file a Proof of Claim but fails to properly and timely do so on or before the applicable Bar Date shall, unless the Court orders otherwise: (a) in the case of a person or entity whose Claim is not listed in the Schedules, or whose Claim is listed in the Schedules as “disputed,” “contingent,” or “unliquidated,” be forever barred, estopped, and enjoined from (i) asserting any Claim against the Debtor or the Debtor’s estate in the Chapter 11 case, and (ii) voting upon or receiving distributions under any plan of reorganization or liquidation in this Chapter 11 Case with respect to such Claim; or (b) in the case of a person or entity who believes its Claim is improperly classified in the Schedules or is listed in an incorrect amount in the Schedules, be forever barred, estopped, and enjoined from (i) asserting any Claim against the Debtor or the Debtor’s estate in the Chapter 11 case that is greater than the amount set forth in the Schedules or with a classification that differs from the classification set forth in the Schedules, and (ii) voting upon or receiving distributions under any plan of reorganization or liquidation in this Chapter 11 Case with respect to such Claim for an amount that exceeds the amount of such Claim as set forth in the Schedules, or with a classification for such Claim that differs from the classification for such Claim that is set forth in the Schedules; *provided, however*, that nothing in this paragraph shall prevent distributions on account of allowed late-filed claims (consistent with 11 U.S.C. § 726(a)(2)) in the event that the above-captioned case is converted to a case under chapter 7 of the Bankruptcy Code; and provided further that a holder of a Claim shall be able to assert and vote upon any undisputed, noncontingent and liquidated claims identified in the Schedules on behalf of such holder, in the amount set forth in the Schedules, and receive distributions under any plan of reorganization or liquidation in this case on account of such scheduled claim.

The Debtor reserves the right to: (i) dispute, or to assert offsets or defenses against, any filed Claim or any Claim listed or reflected in the Schedules as to the nature, amount, liability, priority, classification, or otherwise, (ii) subsequently designate any scheduled Claim as disputed, contingent, or unliquidated, and (iii) otherwise amend or supplement the Schedules. Nothing contained in this notice shall preclude the Debtor from objecting to any Claim, whether scheduled or filed, on any grounds.

7. Additional Information

The Debtor’s Schedules, the Bar Date Order, and other information regarding the Debtor’s Chapter 11 Case are available at the Debtor’s website at www.donlinrecano.com/ecec. If you require additional information regarding the contents hereof, you may contact Donlin’s call center

for the Debtor at (800) 361-2782 (Toll Free) or submit an inquiry via email to ececinfo@donlinrecano.com. Please be advised that Donlin is not permitted to provide legal advice.

CREDITORS WISHING TO RELY ON THE SCHEDULES ARE RESPONSIBLE FOR DETERMINING WHETHER THEIR CLAIMS ARE ACCURATELY LISTED THEREIN. THE FACT THAT YOU HAVE RECEIVED THIS NOTICE DOES NOT MEAN THAT YOU HAVE A CLAIM AGAINST THE DEBTOR. YOU SHOULD CONSULT WITH YOUR OWN ADVISORS TO DETERMINE WHETHER YOU HOLD A CLAIM AGAINST THE DEBTOR AND YOU SHOULD NOT FILE A PROOF OF CLAIM IF YOU DO NOT HAVE A CLAIM AGAINST THE DEBTOR.

[signature page follows]

Dated: _____, 2022
Wilmington, Delaware

Respectfully submitted,

/s/ Draft

POLSINELLI PC

Christopher A. Ward (Del. Bar No. 3877)

Michael V. DiPietro (Del. Bar No. 6781)

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Wilmington, Delaware 19801

Telephone: 302-252-0920

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-and-

HOLLAND & KNIGHT LLP

John J. Monaghan (admitted *pro hac vice*)

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Facsimile: (312) 578-6666

david.wirt@hklaw.com

phillip.nelson@hklaw.com

Counsel for the Debtor and Debtor in Possession

Exhibit 2

(Proof of Claim Form)

04/22

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

1. Who is the current creditor? Name and address of the creditor.	Name and address of creditor (the person or entity to be paid for this claim): Other names the creditor used with the debtor: _____	
2. Has this claim been acquired from someone else?	☐ No ☐ Yes. From whom? _____	
3. Where should notices and payments to the creditor be sent? Federal Rule of Bankruptcy Procedure (FRBP) 2002(g).	Where should notices to the creditor be sent? Name: _____ Address: _____ City: _____ State: ____ Zip: _____ Phone: _____ Email: _____ Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____	Where should payments to the creditor be sent? (if different) Name: _____ Address: _____ City: _____ State: ____ Zip: _____ Phone: _____ Email: _____
4. Does this claim amend one already filed?	☐ No ☐ Yes. Claim number on court claims registry (if known): _____ Filed on (MM/DD/YYYY): _____	
5. Do you know if anyone else has filed a proof of claim for this claim?	☐ No ☐ Yes. Who made the earlier filing? _____	

6. Do you have any number you use to identify the debtor?	☐ No	☐ Yes. Last 4 digits of the debtor's account or any identification number used: _____
7. How much is the claim?	\$ _____	Does this amount include interest or other charges? ☐ No ☐ Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).
8. What is the basis of the claim?	Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card. Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c). Limit disclosing information that is entitled to privacy, such as health care information.	

9. Is all or part of the claim secured?	☐ No ☐ Yes. The claim is secured by a lien on property.	Nature of property: ☐ Real estate. If the claim is secured by the debtor's principal residence, file a <i>Mortgage Proof of Claim Attachment</i> (Official Form 410-A) with this <i>Proof of Claim</i> .	☐ Motor vehicle ☐ Other (describe): _____
Basis for perfection: _____ Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)			
Value of property: \$ _____		Amount of the claim that is secured: \$ _____	
Amount of the claim that is unsecured (the sum of the secured and unsecured amounts should match the amount in line 7): \$ _____			
Amount necessary to cure any default as of the date of the petition: \$ _____		Annual interest rate (when case was filed): _____ % ☐ Fixed ☐ Variable	

10. Is this claim based on a lease?	☐ No ☐ Yes. Amount necessary to cure any default as of the date of the petition. \$ _____
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11. Is this claim subject to a right of setoff?	☐ No ☐ Yes. Identify the property: _____
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12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)? A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority. * Amounts are subject to adjustment on 4/01/25 and every 3 years after that for cases begun on or after the date of adjustment.	☐ No ☐ Yes. <i>Check all that apply:</i> ☐ Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B). ☐ Up to \$3,350* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7). ☐ Wages, salaries, or commissions (up to \$15,150*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4). ☐ Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8). ☐ Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5). ☐ Other. Specify subsection of 11 U.S.C. § 507(a)() that applies.	Amount entitled to priority \$ _____ \$ _____ \$ _____ \$ _____ \$ _____ \$ _____
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13. Is all or part of the claim entitled to priority under 11 U.S.C. § 503(b)(9)?	☐ No ☐ Yes. Indicate the amount of your claim arising from the value of any goods received by the debtor within 20 days before the date of commencement of the above case, in which the goods have been sold to the Debtor in the ordinary course of such Debtor's business. Attach documentation identifying which of the Debtors such goods were shipped to and the date such goods were received by such Debtors, state whether the value of the goods asserted in the Proof of Claim represents a combination of goods and services, and, if applicable, the percentage of alleged value related to services and related to goods, and attach any documentation identifying the particular invoices for which the section 503(b)(9) claim is being asserted. \$ _____
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Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

- ☐ I am the creditor.
☐ I am the creditor's attorney or authorized agent.
☐ I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.
☐ I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date (MM/DD/YYYY): _____

Signature: _____

Print the name of the person who is completing and signing this claim:

First name: _____ Middle: _____ Last: _____

Title: _____

Company (identify the corporate servicer as the company if the authorized agent is a servicer): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

Instructions for Proof of Claim

United States Bankruptcy Court

12/15

These instructions and definitions generally explain the law. In certain circumstances, such as bankruptcy cases that debtors do not file voluntarily, exceptions to these general rules may apply. You should consider obtaining the advice of an attorney, especially if you are unfamiliar with the bankruptcy process and privacy regulations.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both.
18 U.S.C. §§ 152, 157 and 3571.

How to fill out this form

- **Fill in all of the information about the claim as of the date the case was filed.**
- **If the claim has been acquired from someone else, then state the identity of the last party who owned the claim or was the holder of the claim and who transferred it to you before the initial claim was filed.**
- **Attach any supporting documents to this form.**
Attach redacted copies of any documents that show that the debt exists, a lien secures the debt, or both. (See the definition of *redaction* on the reverse page.)

Also attach redacted copies of any documents that show perfection of any security interest or any assignments or transfers of the debt. In addition to the documents, a summary may be added. Federal Rule of Bankruptcy Procedure (called “Bankruptcy Rule”) 3001(c) and (d).
- **Do not attach original documents because attachments may be destroyed after scanning.**
- **If the claim is based on delivering health care goods or services, do not disclose confidential health care information. Leave out or redact confidential information both in the claim and in the attached documents.**

- **A *Proof of Claim* form and any attached documents must show only the last 4 digits of any social security number, individual’s tax identification number, or financial account number, and only the year of any person’s date of birth.** See Bankruptcy Rule 9037.
- **For a minor child, fill in only the child’s initials and the full name and address of the child’s parent or guardian.** For example, write *A.B., a minor child (John Doe, parent, 123 Main St., City, State)*. See Bankruptcy Rule 9037.

Confirmation that the claim has been filed

To receive confirmation that the claim has been filed, either enclose a stamped self-addressed envelope and a copy of this form or you may access the claims agent’s website (www.donlinrecano.com/ecec) to view the filed form.

Understand the terms used in this form

Administrative expense: Generally, an expense that arises after a bankruptcy case is filed in connection with operating, liquidating, or distributing the bankruptcy estate.
11 U.S.C. § 503.

Administrative expense claim under 11 U.S.C. §503(b)(9): Administrative expense claims under 11 U.S.C. §503(b)(9) include those claims for the value of any goods received by the debtor, within 20 days before the date of commencement of a case under the Bankruptcy Code in which the goods have been sold to the debtor in the ordinary course of such debtor’s business.

Claim: A creditor’s right to receive payment for a debt that the debtor owed on the date the debtor filed for bankruptcy. 11 U.S.C. §101 (5). A claim may be secured or unsecured.

Creditor: A person, corporation, or other entity to whom a debtor owes a debt that was incurred on or before the date the debtor filed for bankruptcy. 11 U.S.C. §101 (10).

Debtor: A person, corporation, or other entity who is in bankruptcy. Use the debtor's name and case number as shown in the bankruptcy notice you received. 11 U.S.C. § 101 (13).

Evidence of perfection: Evidence of perfection of a security interest may include documents showing that a security interest has been filed or recorded, such as a mortgage, lien, certificate of title, or financing statement.

Information that is entitled to privacy: A *Proof of Claim* form and any attached documents must show only the last 4 digits of any social security number, an individual's tax identification number, or a financial account number, only the initials of a minor's name, and only the year of any person's date of birth. If a claim is based on delivering health care goods or services, limit the disclosure of the goods or services to avoid embarrassment or disclosure of confidential health care information. You may later be required to give more information if the trustee or someone else in interest objects to the claim.

Priority claim: A claim within a category of unsecured claims that is entitled to priority under 11 U.S.C. §507(a). These claims are paid from the available money or property in a bankruptcy case before other unsecured claims are paid. Common priority unsecured claims include alimony, child support, taxes, and certain unpaid wages.

Proof of claim: A form that shows the amount of debt the debtor owed to a creditor on the date of the bankruptcy filing. The form must be filed in the district where the case is pending.

Redaction of information: Masking, editing out, or deleting certain information to protect privacy. Filers must redact or leave out information entitled to **privacy** on the *Proof of Claim* form and any attached documents.

Secured claim under 11 U.S.C. §506(a): A claim backed by a lien on particular property of the debtor. A claim is secured to the extent that a creditor has the right to be paid from the property before other creditors are paid. The amount of a secured claim usually cannot be more than the value of the particular property on which the creditor has a lien. Any amount owed to a creditor that is more than the value of the property normally may be an unsecured claim. But exceptions exist; for example, see 11 U.S.C. § 1322(b) and the final sentence of 1325(a).

Examples of liens on property include a mortgage on real estate or a security interest in a car. A lien may be voluntarily granted by a debtor or may be obtained through a court proceeding. In some states, a court judgment may be a lien.

Setoff: Occurs when a creditor pays itself with money belonging to the debtor that it is holding, or by canceling a debt it owes to the debtor.

Uniform claim identifier: An optional 24-character identifier that some creditors use to facilitate electronic payment.

Unsecured claim: A claim that does not meet the requirements of a secured claim. A claim may be unsecured in part to the extent that the amount of the claim is more than the value of the property on which a creditor has a lien.

Offers to purchase a claim

Certain entities purchase claims for an amount that is less than the face value of the claims. These entities may contact creditors offering to purchase their claims. Some written communications from these entities may easily be confused with official court documentation or communications from the debtor. These entities do not represent the bankruptcy court, the bankruptcy trustee, or the debtor. A creditor has no obligation to sell its claim. However, if a creditor decides to sell its claim, any transfer of that claim is subject to Bankruptcy Rule 3001(e), any provisions of the Bankruptcy Code (11 U.S.C. § 101 et seq.) that apply, and any orders of the bankruptcy court that apply.

PLEASE SEND COMPLETED PROOF(S) OF CLAIM TO:

If Proof of Claim is sent by mail, send to:

Donlin, Recano & Company, Inc.
Re: Ector County Energy Center LLC
P.O. Box 199043
Blythebourne Station
Brooklyn, NY 11219

If Proof of Claim is sent by Overnight Courier or Hand Delivery, send to:

Donlin, Recano & Company, Inc.
Re: Ector County Energy Center LLC
6201 15th Avenue
Brooklyn, NY 11219

Alternatively, your proof of claim may be filed electronically on DRC's website at:

<https://www.donlinrecano.com/Clients/ecec/FileClaim>