

**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)

Objection Deadline: September 27, 2022 at 4:00p.m.
Hearing Date: October 4, 2022 at 11:00 a.m. (ET)

**NOTICE OF HEARING TO CONSIDER APPROVAL OF DISCLOSURE STATEMENT
AND SOLICITATION PROCEDURES FOR CHAPTER 11 PLAN OF LIQUIDATION
OF ECTOR COUNTY ENERGY CENTER LLC**

TO ALL PARTIES IN INTEREST IN THE DEBTOR'S CHAPTER 11 CASE:

PLEASE TAKE NOTICE THAT Ector County Energy Center LLC (the “Debtor”) has filed (i) the *Debtor's Liquidating Chapter 11 Plan* [Docket No. 323] (as may be amended, modified, or supplemented from time to time, the “Plan”)² and (ii) the *Disclosure Statement of the Debtor in Support of Liquidating Chapter 11 Plan* [Docket No. 322] (as may be amended, modified, or supplemented from time to time, the “Disclosure Statement”).

PLEASE TAKE FURTHER NOTICE THAT the Debtor has also filed a motion seeking entry of an order (i) approving the Disclosure Statement as containing “adequate information” pursuant to section 1125 of the Bankruptcy Code, (ii) approving solicitation and voting procedures in connection with the Plan, (iii) approving the manner and forms of ballots and certain notices, (iv) establishing certain deadlines in connection with approval of the Disclosure Statement and the Plan, (v) scheduling a confirmation hearing, and (vi) granting related relief [Docket No. 345] (the “Solicitation Procedures Motion”).

Article X of the plan contains release, exculpation, and injunction provisions, which will become effective if the Plan is confirmed. Thus, you should carefully review the Plan and the applicable release, injunction, and related provisions at www.donlinrecano.com/ecec.

PLEASE TAKE FURTHER NOTICE THAT:

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 ecceinfo@donlinrecano.com. A motion to change the case caption to reflect the changing of the Debtor's corporate name is pending.

² Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Disclosure Statement or the Plan, as applicable, or as the context otherwise requires.

1. A hearing (the “Disclosure Statement Hearing”) will be held before the Honorable John T. Dorsey, in the United States Bankruptcy Court for the District of Delaware (the “Bankruptcy Court”), located at 824 N. Market Street, 5th Floor, Courtroom #5, Wilmington, Delaware 19801, which may be held telephonically and/or by video conference, unless the Court determines, in its discretion, that a hearing should be conducted on-site, on **October 4, 2022, at 11:00 a.m. (prevailing Eastern Time)**, to consider entry of an order, determining, among other things, that the Disclosure Statement contains “adequate information” within the meaning ascribed to such term in section 1125 of the Bankruptcy Code and approving the Disclosure Statement. Please be advised that the Disclosure Statement Hearing may be adjourned or continued from time to time by the Bankruptcy Court or the Debtor without further notice other than as indicated in any notice or agenda of matters scheduled that is filed with the Bankruptcy Court or by being announced in open court. If the Disclosure Statement Hearing is continued, the Debtor will post the new date and time of the Disclosure Statement Hearing at www.donlinrecano.com/eccec. The Disclosure Statement and Plan may be modified, if necessary, in accordance with the Bankruptcy Code, the Bankruptcy Rules, and other applicable law, before, during, or as a result of the Disclosure Statement Hearing, without further notice to creditors or other parties in interest.

2. Any party in interest wishing to obtain a copy of the Disclosure Statement and the Plan should contact Donlin, Recano & Company, Inc, the Debtor’s Solicitation Agent, by (a) visiting, free of charge, the Debtor’s bankruptcy website at: www.donlinrecano.com/eccec, or (b) calling the Debtor’s restructuring hotline at 1 (800) 361-2782 (Toll Free U.S.) or 212-771-1128 (Non-U.S. Parties). In addition, the Disclosure Statement and Plan are on file with the Bankruptcy Court and may be reviewed by accessing the Bankruptcy Court’s website: www.deb.uscourts.gov. Note that a PACER password and login are needed to access documents on the Bankruptcy Court’s website. A PACER password can be obtained at: www.pacer.psc.uscourts.gov.

3. The deadline for filing objections to approval of the Disclosure Statement (a “Disclosure Statement Objection”) is **September 27, 2022 at 4:00 p.m. EST** (the “Objection Deadline”). All such Objections must: (a) be in writing; (b) comply with the Bankruptcy Rules, the Local Rules, and any applicable orders of the Court; (c) set forth the name of the objector and the nature and amount of any Claim or Interest asserted by the objector against or in the Debtor; (d) state, with particularity, the legal and factual bases for the objection and, if practicable, a proposed modification to the Disclosure Statement that would resolve such objection; and (e) be filed with the Court (contemporaneously with a proof of service) and served upon the following parties (the “Notice Parties”) so as to be **actually received** on or before the Objection Deadline:

- a. counsel to the Debtor, (i) Holland & Knight LLP, 10 St James Ave #1200, Boston, MA 02116 (Attn: John J. Monaghan, Esq. and Lynne B. Xerras, Esq., (john.monaghan@hklaw.com, lynne.xerras@hkaw.com)) and 150 N Riverside Plaza, Chicago, IL 60606 (Attn: David W. Wirt, Esq. (david.wirt@hklaw.com)); and (ii) Polsinelli PC, 222 Delaware Avenue, Suite 1101, Wilmington, DE 19801 (Attn: Christopher A. Ward, Esq. and Michael V. DiPietro, Esq., (cward@polsinelli.com, mdipietro@polsinelli.com));

- b. the United States Trustee for the District of Delaware, 844 King Street, Suite 2207, Lockbox 35, Wilmington, DE 19801 (Attn: Juliet Sarkessian (juliet.m.sarkessian@usdoj.gov)); and
- c. counsel to the Agent and the Ad Hoc Group, (i) Davis Polk & Wardwell LLP, Attn: Brian Resnick, Esq. and Joshua Sturm, Esq., 450 Lexington Avenue, New York, NY 10017 (brian.resnick@davispolk.com; joshua.sturm@davispolk.com) and (ii) Richards, Layton & Finger, P.A., Attn: Mark D. Collins, Esq., 920 N. King Street, Wilmington, DE 19801 (collins@rlf.com).

4. IF AN OBJECTION TO THE DISCLOSURE STATEMENT IS NOT FILED AND SERVED STRICTLY AS PRESCRIBED HEREIN, THE OBJECTING PARTY MAY BE BARRED FROM OBJECTING TO THE DISCLOSURE STATEMENT OR THE ADEQUACY THEREOF AND MAY NOT BE HEARD AT THE DISCLOSURE STATEMENT HEARING.

5. Following approval of the Disclosure Statement by the Bankruptcy Court, Holders of Impaired Claims against the Debtor that are entitled to vote will receive Solicitation Packages in accordance with the order approving the Motion, including instructions to obtain, free of charge, the Plan, the Disclosure Statement, and various other documents related thereto, unless otherwise ordered by the Bankruptcy Court. Holders of Claims and Interests in Non-Voting Classes that do not hold Voting Claims shall receive an appropriate *Non-Voting Status Notice*, in the form set forth in either Exhibit 3-A or Exhibit 3-B to the Disclosure Statement Order, along with all other components of the Solicitation Package, other than a Ballot. Holders of Claims that are not entitled to vote because they are unimpaired or otherwise presumed to accept the Plan under Bankruptcy Code section 1126(f), will receive the *Notice of Non-Voting Status - Deemed to Accept*, substantially in the form attached to the Disclosure Statement Order as Exhibit 3-A in lieu of a Ballot. Certain Holders of Claims or Interests that are not entitled to vote because they are Impaired and deemed to reject the Plan under Bankruptcy Code section 1126(g) will receive, in lieu of a Ballot, a *Notice of Non-Voting Status - Deemed to Reject*, substantially in the form attached to the Disclosure Statement Order as Exhibit 3-B. In addition, a Solicitation Package without a Ballot will be served upon Holders of Unclassified Claims

6. THIS NOTICE IS NOT A SOLICITATION OF VOTES TO ACCEPT OR REJECT THE PLAN. VOTES ON THE PLAN MAY NOT BE SOLICITED UNLESS AND UNTIL THE DISCLOSURE STATEMENT IS APPROVED BY AN ORDER OF THE BANKRUPTCY COURT.

[signature page follows]

Dated: August 24, 2022
Wilmington, Delaware

Respectfully submitted,

/s/ Michael V. DiPietro

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