

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MAINE

In re:

**MONTREAL MAINE & ATLANTIC
RAILWAY, LTD.,**

Debtor.

Chapter 11

Case No. 13-10670-LHK

**ORDER (I) PROHIBITING UTILITY COMPANIES FROM ALTERING,
REFUSING OR DISCONTINUING SERVICES, (II) ESTABLISHING PROCEDURES
FOR DETERMINING REQUESTS FOR ADDITIONAL ADEQUATE
ASSURANCE, AND (III) AUTHORIZING, NUNC PRO TUNC,
PAYMENTS MADE TO UTILITY COMPANIES
TO AVOID SHUT-OFF**

Upon consideration of the motion (the "Motion") of Montreal, Maine & Atlantic Railway Ltd. ("MMA" or "Debtor") for an Order (i) prohibiting the Utility Companies¹ listed on Exhibit 1 to the Motion from altering, refusing or discontinuing services, (ii) establishing procedures for determining requests for additional adequate assurance, and (iii) authorizing, nunc pro tunc, payments made to certain Utility Companies to avoid shut-off; and due and appropriate notice of this Motion having been given, and it appearing that no other notice need be given; and objections having been filed, if any, being overruled or withdrawn; and after due deliberation, and sufficient cause appearing therefore, it is hereby

ORDERED, that the Motion is granted as to each of the Utility Companies; and it is further

ORDERED, that the Trustee shall pay the deposit amounts shown on Exhibit 1 to the Motion; and it is further

¹ Capitalized terms used herein but not otherwise defined herein shall have the meanings ascribed to them in the Motion.

ORDERED, that the Trustee shall pay the deposit amounts shown on Exhibit 1 to the Motion by December 31, 2013; and it is further

ORDERED, that Trustee shall pay on a timely basis in accordance with the Debtor's pre-petition practices all undisputed invoices in respect of post-petition utility services rendered by the Utility Companies to the Debtor; and it is further

ORDERED, that absent further order of the Court, each utility company is forbidden to alter, refuse, or discontinue service to, or discriminate against the Debtor, or require the payment of a deposit or other security in connection with the Debtor's bankruptcy filing, except as set forth in the Motion and the Exhibit 1 attached thereto, or any pre-petition invoice for utility services, including, but not limited to, the furnishing of heat, cable, internet, electricity, water, sewer, telephone or any other utility of like kind, furnished to the Debtor; and it is further

ORDERED, that the Trustee's proposed treatment of the Utility Companies as set forth in this Order is adequate assurance of payment for post-petition utility services; and it is further

ORDERED, that if a Utility Company timely requests additional adequate assurance by written notice to the Trustee's counsel, Bernstein, Shur, Sawyer & Nelson, P.A. ("Bernstein Shur") (c/o Michael A. Fagone, Esq., Bernstein, Shur, Sawyer & Nelson, P.A., 100 Middle Street, P.O. Box 9729, Portland, ME 04102, mfagone@bernsteinshur.com), that the Trustee believes is unreasonable, the Trustee, by and through Bernstein Shur, may file a motion for determination of adequate assurance of payment and serve such motion for hearing (a "Determination Hearing"); and it is further

ORDERED, that in the event a Determination Hearing is scheduled, the Utility Company requesting adequate assurance shall be deemed to have adequate assurance of payment until an order of the Court is entered finally resolving the issues presented at the Determination Hearing; and it is further

ORDERED, that, notwithstanding the foregoing, the Trustee shall pay the deposit amount of \$4,660.69 to CMP to secure the Trustee's obligations to CMP for post-petition utility service (the "CMP Deposit"); and it is further

ORDERED, nothing contained in this Order shall preclude CMP from exercising its rights with respect to the CMP Deposit and under applicable law should the Trustee default on or after the date hereof in the performance of any post petition obligation to CMP; and it is further

ORDERED, that the Debtor and/or the Trustee are hereby authorized, nunc pro tunc, to make the Water Payment, the CMP Payments and the EMEC Payment.

Dated: December 17, 2013



Honorable Louis H. Kornreich
United States Bankruptcy Judge

District/Off: 0100-1
Case: 13-10670

User: kford
Form ID: pdf901

Date Created: 12/17/2013
Total: 105

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