

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MARYLAND  
(Greenbelt Division)**

In re:	)	
	)	
USGen New England, Inc.	)	Chapter 11
	)	Case No. 03-30465
Debtor	)	
	)	

**ORDER GRANTING  
MOTION OF WHEELABRATOR NORTH ANDOVER INC. PURSUANT TO 11  
U.S.C. §§ 105 AND 365(d)(2)  
(I) COMPELLING ASSUMPTION OR REJECTION OF A CERTAIN  
EXECUTORY CONTRACT BY A DATE CERTAIN AND  
(II) REQUIRING ADEQUATE ASSURANCE OF FUTURE PERFORMANCE**

Upon the Motion of Wheelabrator North Andover Inc. Pursuant to 11 U.S.C. §§ 105 and 362(d)(2) for an Order to (I) Compel Assumption or Rejection of a Certain Executory Contract by a Date Certain and (II) Require Adequate Assurance of Future Performance, proper notice having been given, good cause having been shown, it is this \_\_\_\_ day of \_\_\_\_ September, 2003, hereby ORDERED:

- A. The Debtor, USGen New England, Inc., shall file a Motion to Assume or Reject the Power Purchase Agreement between the Debtor and Wheelabrator North Andover Inc. (the "PPA") on or before September 30, 2003, and failing

to timely file such Motion, the PPA shall be deemed rejected and Wheelabrator North Andover Inc. may resort to its rights and remedies under the PPA in any court or forum of competent jurisdiction without further Order of Court.

- B. Pending the filing of such Motion to Assume or Reject and the Court's determination upon such Motion, the Debtor shall perform all of its obligations under the PPA, including the timely payment of the June invoice and the July invoice, attached as Exhibits D-1 and D-2 respectively to the Wheelabrator Motion, within 10 days of the entry of this Order, and the timely payment of all other amounts which become due under the PPA in accordance with its terms.

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U.S. BANKRUPTCY JUDGE

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