

**ENTERED**

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

AWANA C. MARSHALL, CLERK  
THE DATE OF ENTRY IS  
ON THE COURT'S DOCKET

_____	)	
	)	
In re	)	Chapter 11 Case
	)	
MIRANT CORPORATION, <u>et al.</u> ,	)	Case No. 03-46590-DML
	)	Jointly Administered
Debtors.	)	
_____	)	

**ORDER DIRECTING THAT ORDERS ENTERED IN THE CHAPTER 11  
CASES OF MIRANT CORPORATION, ET AL.  
BE MADE APPLICABLE TO THE WRIGHTSVILLE DEBTORS**

Upon the amended motion dated October 16, 2003 (the "Motion") of Mirant Corporation and its affiliated debtors (collectively, the "Mirant Debtors"), as debtors and debtors-in-possession, and (i) Mirant Wrightsville Management, Inc., as a debtor and debtor-in-possession, (ii) Mirant Wrightsville Investments, Inc., as a debtor and debtor-in-possession, (iii) Wrightsville Power Facility, L.L.C., as a debtor and debtor-in-possession, and (iv) Wrightsville Development Funding, L.L.C., as a debtor and debtor-in-possession (collectively, the "Wrightsville Debtors" and, together with the Mirant Debtors, the "Debtors"), for an order pursuant to section 105(a) of title 11 of the United States Code, 11 U.S.C. §§ 101-1330, as amended (the "Bankruptcy Code"), directing that orders in the Mirant Debtors' chapter 11 cases be made applicable to the Wrightsville Debtors, and upon consideration of the objection filed by Kinder Morgan Power Company, and it appearing that the Court has jurisdiction over this matter; and it appearing that due notice of the Motion has been provided as set forth in the Motion, and that no other or further notice need be provided; and it further appearing that the relief requested in the Motion is in the best interests of the Debtors and their estates and

creditors; and upon all of the proceedings had before the Court; and after due deliberation and sufficient cause appearing therefore, it is hereby

**ORDERED** that the Motion is granted to the extent set forth herein; and it is further

**ORDERED** that all orders entered in the Mirant Debtors' chapter 11 cases prior the date of entry of this Order, except the orders listed below, be and hereby are applicable to the Wrightsville Debtors' chapter 11 cases to the extent relevant; and it is further

**ORDERED** that to the extent all motions pending before the Court in the Mirant Debtors' chapter 11 cases at the time of the filing of the Motion are granted by the Court, such orders granting such motions be and hereby are applicable to both the Mirant Debtors' and the Wrightsville Debtors' chapter 11 cases; and it is further

**ORDERED** that to the extent all orders that had not been entered and placed on the docket in the Mirant Debtors' chapter 11 cases as of the time of the filing of the Motion are signed and entered by the Court after the filing of the Motion, such orders be and hereby are applicable to both the Mirant Debtors' and the Wrightsville Debtors' chapter 11 cases; and it is further

**ORDERED** that the following orders in the Mirant Debtors' chapter 11 cases are hereby made applicable to the Wrightsville Debtors as supplemented by the additional information described below:

- (a) The Cash Management Order. Order (I) Authorizing Continued Use of Existing (A) Cash Management System, (B) Bank Accounts, and (C) Business Forms; (II) Granting Interim Waiver of Investment and Deposit Requirements; and (III) Granting Related Relief, entered July 17, 2003. [Docket No. 47]

- The Cash Management Order is applicable to the Wrightsville Debtors as supplemented by the additional non-payroll bank accounts listed on Exhibit "A" to the Motion.

- (b) The Utilities Order. Interim Order Pursuant to 11 U.S.C. § 366(b): (a) Prohibiting Utility Companies from Altering, Refusing Or Discontinuing Service to the Debtors; (b) Determining that Adequate Assurance Has Been Provided; and (c) Establishing Procedures for Requests for Additional Assurance, entered July 21, 2003. [Docket No. 161]
- The Utilities Order is applicable to the Wrightsville Debtors as supplemented by the additional utilities listed on Exhibit “B” to the Motion, with the exception of Entergy.
  - With respect to Entergy, and solely with respect to Entergy, the Utilities Order is superseded by the Order Pursuant to 11 U.S.C. § 366(b): (I) Prohibiting Entergy Arkansas, Inc. from Altering, Refusing or Discontinuing Service to Wrightsville Power Facility, L.L.C. and (II) Providing Entergy Arkansas, Inc. with Adequate Assurance.
- (c) The Ordinary Course Professionals Order. Order Pursuant to Sections 327 and 328 of the Bankruptcy Code Authorizing Employment of Professionals Used in the Ordinary Course of Business, entered August 4, 2003. [Docket No. 334]
- The Debtors request that this Order be made applicable to the Wrightsville Debtors as supplemented by the additional ordinary course professionals listed on Exhibit “C” attached hereto;

and it is further

**ORDERED** that that the following orders in the Mirant Debtors’ chapter 11 cases are not made applicable to the Wrightsville Debtors:

- (a) The Joint Administration Order. Order Pursuant to Rule 1015(b) of the Federal Rules of Bankruptcy Procedure and N.D. TX L.B.R. 1015.1 Directing Joint Administration of Cases, entered July 16, 2003.
- (b) The Order Extending Time to File Schedules and Statements. Order Pursuant to Bankruptcy Rule 1007(c) Granting Extension of Time to File Schedules of Assets and Liabilities, Schedules of Executory Contracts and Unexpired Leases and Statements of Financial Affairs, entered July 16, 2003.
- (c) The § 365(d)(4) Order. Order Pursuant to 11 U.S.C. § 365(d)(4) Extending Time Within Which the Debtors May Assume or Reject Unexpired Leases of Nonresidential Real Property, entered on September 11, 2003.

- (d) The Administrative Solvency Order. Order Determining That the Debtors are Administratively Solvent, entered July 31, 2003. [Docket No. 289]

**ORDERED** that this Order is both interlocutory and temporary in nature; and it is further

**ORDERED** that any party-in-interest may seek reconsideration of this order upon appropriate notice and hearing; and it is further

**ORDERED** that nothing contained herein shall prevent parties-in-interest from asserting that application of any order in the Mirant Debtors' Chapter 11 cases shall cause prejudice or harm to such party; and it is further

**ORDERED** that this Court retains jurisdiction with respect to all matters arising from or related to the implementation of this Order.

**ORDERED** that nothing contained herein shall prevent the Court from reconsidering this Order sua sponte.

Signed: November 5, 2003



HONORABLE D. MICHAEL LYNN  
UNITED STATES BANKRUPTCY JUDGE

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