



PROTECTING YOUR UTILITY AGAINST VENDOR BANKRUPTCIES

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Energy Bankruptcy Cases

- Producers
 - Examples: Samson Resources Corporation, Magnum Hunter Resources Corporation, New Gulf Resources, LLC, Peabody Energy Corporation



Energy Bankruptcy Cases

- Midstream Companies
- Independent Power Producers
 - Example: La Paloma Generating Company, LLC



Energy Bankruptcy Cases

- Other Industries
 - Large Industrial Customers
 - Vendors – Ex. Avaya
 - Westinghouse Electric Company LLC



Energy Bankruptcy Cases

- What Next?



Bankruptcy Basics

- Automatic Stay
 - Reach
 - Limits
 - Relief
 - Violations



Bankruptcy Basics

- Automatic Stay
 - Particular cases
 - Westinghouse Electric Company, LLC
 - Consumer



Bankruptcy Basics

- Treatment of Contracts
 - Good news
 - Bad news



Bankruptcy Basics

- Forward Contracts
 - Exception to the general rules
 - Strictly defined
 - Particularly applicable in producer cases



Business Bankruptcies

- Issues
- Assumptions



Protections - Business

- Deposit
- Adequate Assurance
- Letter of Credit



Protections - Business

- Structured Delivery
- Expanded Offset Rights



Protections - Business

- Payment Dispute Provisions
- Credit Policy
- Agree in Advance that Contract Is a Forward Contract or Master Netting Agreement



Protections - Business

- Parent Guaranty
- Know Your Customer



Protections - Business

- What Does Not Work
- Concerns Along the Way



Consumer Bankruptcies

- Issues
 - Automatic stay
 - Accounting for your claim
 - Staying clear of the (consumer protection) alphabet



Protections - Consumer

- Deposit
- 11 U.S.C. § 342(c)
- Systems for Identifying Customers



Protections - Consumer

- Arbitration Clauses
- Waiver for Telephone Calls



Protections - Consumer

- Collection Hygiene
- Monitor
 - Bankruptcy case
 - Information submitted to credit reporting agencies
- Third Party Agencies



Questions?

- If none, you are discharged.