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50-275/323

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11 Pacific Oroville Power, Pacific-Ultrapower Chinese
Station and Covanta Stanislaus, Inc.

12 **UNITED STATES BANKRUPTCY COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**
14 **(SAN FRANCISCO DIVISION)**

15 In re)
16 PACIFIC GAS AND ELECTRIC COMPANY,)
17 Debtor.)

Case No. 01-30923
Chapter 11 Case

18 NOTICE OF MOTION AND MOTION OF
COVANTA POWER PACIFIC, INC. ET AL.
19 TO COMPEL DEBTOR TO TIMELY
DECIDE WHETHER TO ASSUME OR
20 REJECT POWER PURCHASE
CONTRACTS OR, IN THE ALTERNATIVE
GRANTING RELIEF FROM THE STAY TO
21 ALLOW SUSPENSION OF PERFORMANC
UNDER POWER PURCHASE CONTRACTS
22 PENDING ASSUMPTION OR REJECTION
THEREOF

23 Date: July 27, 2001 (Preliminary Hearing)
24 Time: 1:30 p.m.
Courtroom: Hon. Dennis Montali

25
26 **I. NOTICE OF MOTION**

27 PLEASE TAKE NOTICE that the instant motion filed by Covanta Power Pacific, Inc. Burney
28 Mountain Power, Covanta Stanislaus, Inc., Mount Lassen Power, Pacific Oroville Power and Pacific-

Aool
011 Add: Kids R Us Mail Center

1 Ultrapower Chinese Station (collectively the "Movants"), has been scheduled to be heard before the
2 Honorable Dennis Montali on the following date and time, in the indicated courtroom:

3 Date: July 27, 2001
4 Time: 1:30 p.m.
5 Place: U.S. Bankruptcy Court
6 Northern District of California
7 San Francisco Division
8 235 Pine Street, 19th Floor
9 San Francisco, California

7 **II. RELIEF REQUESTED**

8 The Movants pray that this Court enter an order:

- 9 1. Compelling Pacific Gas & Electric Company ("PG&E" or the "Debtor") to decide within
10 30 days whether to assume or reject its power purchase agreements with the Movants; and
11 2. In the alternative to the foregoing relief, granting the Movants relief from the automatic stay
12 to allow them to suspend tperformance under the power purchase agreements pending
13 assumption or rejection, and authorizing them to sell electricity to third parties during the
14 interim period of time.

15 **III. CAUSE SHOWN**

16 This Motion is based upon: this Notice and Motion; the Declaration of Lucian W. Fox and the
17 exhibits thereto; the Declaration of Karen Henry and the exhibits thereto; Consolidated Memorandum of
18 Points and Authorities; and all pleadings and papers filed in this proceeding.

19 For the reasons set forth in the declarations of Lucian W. Fox and Karen Henry, good cause exis
20 to grant the relief requested herein.

21 **IV. COPIES OF PLEADINGS**

22 You may obtain copies of this Motion and any documents and pleadings submitted in support
23 hereof by (i) contacting the undersigned counsel to Movants, or (ii) accessing the website established
24 pursuant to the Court's Case Management Order (as such order may be amended from time to time), at
25 www.pge.com/court_docs.

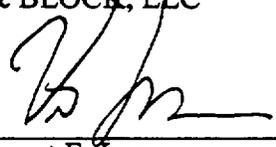
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V. PRAYER FOR RELIEF

WHEREFORE, Covanta Power Pacific, Inc. Burney Mountain Power, Covanta Stanislaus, Inc.,
Mount Lassen Power, Pacific Oroville Power and Pacific-Ultrapower Chinese Station pray for relief as
set forth in Section II above.

Dated: July 5, 2001

TOPEL & GOODMAN
and
JENNER & BLOCK, LLC

By: 

Vincent E. Lazar

Attorneys For Covanta Power Pacific, Inc.,
Burney Mountain Power, Mount Lassen Power,
Pacific Oroville Power, Pacific-Ultrapower Chinese
Station and Covanta Stanislaus, Inc.

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