

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

In re:

ENVIVA INC., *et al.*,¹

Debtors.

Chapter 11

Case No. 24-10453 (BFK)

(Jointly Administered)

**OBJECTION OF ALABAMA POWER COMPANY
TO THE DEBTORS' NOTICE OF CURE OF ASSUMED
EXECUTORY CONTRACT OR UNEXPIRED LEASE**

Alabama Power Company (“**Alabama Power**”) hereby submits this objection (the “**Objection**”) to the Notice of Cure of Assumed Executory Contract or Unexpired Lease dated October 23, 2024 (the “**Cure Notice**”) filed by Enviva, Inc. and its debtor affiliates (collectively, the “**Debtors**”). As grounds for this Objection, Alabama Power states as follows:

1. On March 12, 2024 (the “**Petition Date**”), the Debtors commenced these voluntary cases under Chapter 11 of the Bankruptcy Code, 11 U.S.C. §§ 101 *et seq.* by filing petitions with this Court.

2. Alabama Power and one or more of the Debtors are parties to certain agreements including (but not limited to) agreements by which Alabama Power provides electric service to the Debtors (the “**Agreements**”).

¹ A complete list of each of the Debtors in these chapter 11 cases may be obtained on the website of the Debtors' proposed claims and noticing agent at www.veritaglobal.net/enviva. The location of Debtors' corporate headquarters is 7500 Old Georgetown Road, Suite 1400, Bethesda, MD 20814.

Neil E. McCullagh, Esquire (VSB #39027)
SPOTTS FAIN PC
411 East Franklin Street, Suite 600
Richmond, Virginia 23219
Telephone: (804) 697-2000
Facsimile: (804) 697-2100
Counsel to Alabama Power Company

Jeremy L. Retherford, Esquire
Balch & Bingham LLP
1901 Sixth Avenue North, Suite 1500
Birmingham, Alabama 35203
Telephone: (205) 226-3479
Facsimile: (205) 226-8799
Counsel to Ala



2410453241106000000000005

3. Amounts due to Alabama Power for electric service provided to the Debtors before the Petition Date total \$13,604.46 (the “**Prepetition Claims**”) as evidenced by the proof of claim filed by Alabama Power on May 10, 2024 as Claim No. 291.

4. Additional amounts are due for electric service provided by Alabama Power to the Debtors after the Petition Date. By way of example (and not intended to be an exclusive listing of post-petition amounts owed), as of October 27, 2024, the sum of \$19,881.72 was owing for Acct. No. 38648-81026. Because Alabama Power continues to provide electric service to the Debtors, additional amounts may come due up to the effective date of the assumption of the Agreements.

5. The Debtors filed the Notice which listed a cure amount for the Agreements of \$7,506.86. Because this amount does not reflect the amounts stated above, Alabama Power files this objection to ensure all amounts owed under the Agreements are included as part of the cure amount.

6. Alabama Power does not release or waive any claim, right, or remedy arising under the Agreements, the Bankruptcy Code, or other applicable law. Nothing in this Objection is, or should be construed as, a release or waiver of any claim, right, or remedy.

7. Alabama Power reserves the right to amend or supplement this Objection including, but not limited to, the right to assert additional cure claims. Alabama Power further reserves the right to join in the objection of other interested parties.

CONCLUSION

Wherefore, Alabama Power asks the Court to (a) condition approval of the assumption of the Agreements upon payment to Alabama Power of the prepetition sum in the amount of \$13,604.46 as well as all additional amounts owed under the Agreements as of the effective date of any such assumption; and (b) grant such other or further relief that is just and proper.

Dated: November 6, 2024.

Respectfully submitted,

ALABAMA POWER COMPANY

By: /s/ Neil E. McCullagh
Counsel

Neil E. McCullagh, Esquire (VSB #39027)
SPOTTISFAIN PC
411 East Franklin Street, Suite 600
Richmond, Virginia 23219
Telephone: (804) 697-2000
Facsimile: (804) 697-2100
Counsel to Alabama Power Company

Jeremy L. Retherford, Esquire
Balch & Bingham LLP
1901 Sixth Avenue North, Suite 1500
Birmingham, Alabama 35203
Telephone: (205) 226-3479
Facsimile: (205) 226-8799
Counsel to Alabama Power Company

CERTIFICATE OF SERVICE

The undersigned certifies that on November 6, 2024, the foregoing Objection of Alabama Power Company to the Notice of Cure of Assumed Executory Contract or Unexpired Lease was electronically filed with the Clerk of the United States Bankruptcy Court for the Eastern District of Virginia by using the CM/ECF system and that service upon the Debtors and all interested parties will be accomplished by the CM/ECF system. In addition, a copy was sent to the following via email:

/s/ Neil E. McCullagh

Enviva, Inc.
Attn: Jason Paral
7272 Wisconsin Avenue, Suite 1800
Bethesda, MD 20814
Jason.paral@envivabiomass.com

Paul, Weiss, Rifkind,
Wharton & Garrison LLP
Attn: Paul M. Basta, Andrew M. Parlen,
Michael J. Colarossi and Jessica I. Choi
1285 Avenue of the Americas
New York, NY 10019
pbasta@paulweiss.com
aparlen@paulweiss.com
mcolarossi@paulweiss.com
jchoi@paulweiss.com

Kutak Rock LLP
Attn: Peter J. Barrett, Jeremy S. Williams
and Adolyn C. Wyatt
1021 East Cary Street, Suite 810
Richmond, VA 23219
Peter.barrett@kutakrock.com
Jeremy.williams@kutakrock.com
Adolyn.wyatt@kutakrock.com

The Assistant United States Trustee for the
Eastern District of Virginia
Attn: Nicholas S. Herron
1725 Duke Street, Suite 650
Alexandria, VA 22314
Nicholas.s.herron@usdoj.gov

Davis Polk & Wardwell LLP
Attn: Damian S. Schaible,
David Schiff and Joseph W. Brown
450 Lexington Avenue
New York, NY 10017
Damian.schaible@davispolk.com
David.schiff@davispolk.com
Joseph.w.brown@davispolk.com

McGuire Woods LLP
Attn: Dion W. Hayes and K. Elizabeth Sieg
800 East Canal Street
Richmond, VA 23219
dhayes@mcguirewoods.com
bsieg@mcguirewoods.com

McDermott Will & Emory LLP
Attn: Jennifer B. Routh
500 North Capital Street, NW
Washington, DC 20001
jrouth@mwe.com

McDermott Will & Emory LLP
Attn: Jonathan I. Levine and
Lucas B. Barrett
One Vanderbilt Avenue
New York, NY 10017
jlevine@mwe.com
lbarrett@mwe.com

Cahill Gordon & Reindel LLP
Attn: Joel Moss and Jordan Wishnew
32 Old Slip
New York, NY 10005
jmos@cahill.com
jwishnew@cahill.com

Kilpatrick Townsend & Stockton LLP
Attn: Paul M. Rosenblatt
1100 Peachtree Street NE, Suite 2800
Atlanta, GA 30309-4528
prosenblatt@ktslaw.com

Kramer Levin Naftalis & Frankel LLP
Attn: Amy Caton and Douglas Buckley
1177 Avenue of the Americas
New York, NY 10036
acaton@kramerlevin.com
dbuckley@kramerlevin.com

Greenberg Traurig, LLP
Attn: Thomas J. McKee, Jr.
1750 Tysons Blvd., Suite 1000
McLean, VA 221802
mckeet@gtlaw.com

Greenberg Traurig, LLP
Attn: Peter D. Kieselbach
90 South 7th Street, Suite 3500
Minneapolis, MN 55402
Kieselbachp@gtlaw.com

Greenberg Traurig, LLP
Attn: Warren S. Bloom
450 South Orange Avenue, Suite 650
Orlando, FL 32801
bloomw@gtlaw.com

Akin Gump Strauss Hauer & Feld LLP
Attn: Ira S. Dizengoff, Abid Qureshi and
Jason P. Rubin
One Bryant Park
New York, NY 10036
idizengoff@akingump.com
aqureshi@akingump.com
jrubin@akingump.com

Akin Gump Strauss Hauer & Feld LLP
Attn: Scott L. Alberino
2001 K Street, N.W.
Washington, D.C. 20006
salberino@akingump.com

Hirschler Fleischer PC
Attn: Lawrence A. Katz
and Kristen E. Burgers
1676 International Drive, Suite 1350
Tysons, VA 22102
lkatz@hirschlerlaw.com
kburgers@hirschlerlaw.com

Milbank LLP

Attn: Dennis F. Dunne, Evan R. Fleck and
Andrew Harmeyer

55 Hudson Yards

New York, NY 10001

ddunne@milbank.com

efleck@milbank.com

aharmeyer@milbank.com

Milbank LLP

Attn: Andrew M. Leblanc, Erin E. Dexter
and S. Robert Marsters, Jr.

1850 K St. NW, Suite 1100

Washington, DC 20006

aleblanc@milbank.com

edexter@milbank.com

rmarsters@milbank.com

Williams Mullen

Attn: Michael D. Mueller, Jennifer M.

McLemore and Gabrielle E. Brill

200 South 10th Street, Suite 1600

Richmond, VA 23219

mmueller@williamsmullen.com

jmclemore@williamsmullen.com

gbrill@williamsmullen.com