

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re: iSUN Inc., et al., Debtors¹	§ § § § § § § § §	Chapter 11 Case No. 24-11144 (TMH) (Jointly Administered) Re: ECF Nos. 65, 183, 186, 252 Hearing Date: August 12, 2024 at 2pm
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**BNRG RENEWABLES LIMITED’S WITNESS AND EXHIBIT LIST
FOR THE AUGUST 12, 2024 2:00 PM HEARING**

BNRG Renewables Limited (“**BNRG**”) submits the following witness and exhibit list for the hearing scheduled to begin on August 12, 2024 at 2pm prevailing Eastern time (the “**Hearing**”) in the above-captioned jointly administered bankruptcy cases (the “**Bankruptcy Cases**”) before the Honorable Judge Thomas M. Horan, United States Bankruptcy Judge, 824 North Market Street, 3rd Floor, Wilmington, Delaware, 19801.

I. WITNESS LIST

1. Peter Scannell.

Mr. Scannell is the Head of Operations for BNRG Renewables Limited. If called, he may testify regarding the facts set forth in the *Contract Objection and Reservation of Rights of BNRG Renewables Limited With Respect to Debtors’ Amended Notice of Potential Contract Assumption*

¹ The Debtors in these Chapter 11 cases, along with the last four (4) digits of their federal tax identification numbers, are: (i) iSun, Inc. (“iSun”) (0172) (ii) Hudson Solar Service, LLC (“Hudson”) (1635); (iii) Hudson Valley Clean Energy, Inc. (“Hudson Valley”) (8214); (iv) iSun Corporate, LLC (“iSun Corporate”) (4391); (v) iSun Energy, LLC (“iSun Energy”) (1676); (vi) iSun Industrial, LLC (“iSun Industrial”) (4333); (vii) iSun Residential, Inc. (“iSun Residential”) (3525); (viii) iSun Utility, LLC (“iSun Utility”) (4411); (ix) Liberty Electric, Inc. (“Liberty”) (8485); (x) Peck Electric Co. (“Peck”) (5229); (xi) SolarCommunities, Inc. (“SolarCommunities”) (7316); and (xii) Sun CSA 36, LLC (“Sun CSA”) (7316); (collectively referred to as the “Debtors”). The Debtors’ mailing address is: 400 Avenue D, Suite 10 Williston, Vermont 05495, with copies to Gellert Seitz Busenkell & Brown LLC, Attn: Michael Busenkell, 1201 N. Orange Street, Suite 300, Wilmington, DE 19801.

and Assignment and the *Objection and Reservation of Rights of BNRG Renewables Limited With Respect to Debtors' Motion for Entry of Sale Order* [D.I. 252] (the “**Objection**”) and, to the extent necessary or appropriate, in rebuttal to the reply to the Objection. His testimony is anticipated to describe Debtor iSun Industrial’s defaults under the *Engineering, Procurement and Construction Agreement dated December 23, 2022* by and between BD Solar Larson, LLC and iSun Industrial LLC (the “**Larson Contract**”), the termination of the Larson Contract prior to the Bankruptcy Cases being filed, the Larson Contract’s non-assignability provisions, the Larson Contract’s time-is-of-the-essence provisions, the amounts owed by iSun Industrial under the Larson Contract, and the lack of adequate protection for non-Debtor counterparties in the event of the sale of the Larson Contract.

2. Other Witnesses.

BNRG reserves the right to cross-examine any witnesses listed or called by other parties including any declarants. BNRG further reserves the right to call any rebuttal witness that may be necessary or appropriate.

II. EXHIBIT LIST

BNRG Exhibit No.	Description	Disposition
1.	<i>Engineering, Procurement and Construction Agreement dated December 23, 2022</i> by and between BD Solar Larson, LLC and iSun Industrial LLC, including all Exhibits and Attachments thereto along with duly executed Change Orders	
2.	May 24, 2024 notice of termination delivered to iSun Industrial	
3.	<i>Amended Notice of Potential Contract Assumption and Assignment</i> [D.I. 186]	
4.	<i>Debtors' Motion For Entry Of Orders (A) (I) Approving Bid Procedures In Connection With The Sale Of Substantially All Of The Debtors' Assets, (II) Scheduling An Auction And A Sale Hearing, (III) Approving The Form And Manner Of Notice Thereof, (IV) Authorizing The Debtors To Enter Into The Stalking Horse Agreement, (V) Approving Procedures For The Assumption</i>	

	<i>And Assignment Of Contracts And Leases, And (VI) Granting Related Relief; And (B) (I) Approving The Purchase Agreement; (II) Approving The Sale Of Substantially All Of The Debtors' Assets Free And Clear; (III) Approving The Assumption And Assignment Of Contracts And Leases; And (IV) Granting Related Relief [D.I 65]</i>	
5.	Demand Letter dated June 24, 2024 from iSun Industrial to BNRG Renewables Limited	
6.	Demand Letter dated June 28, 2024 from iSun Industrial to BNRG Renewables Limited	
7.	<i>Proposed Order (I) Approving the Sale of the Debtors' Assets Free and Clear; (II) Approving the Assumption and Assignment of Contracts and Leases; and (III) Granting Related Relief [D.I. 286-1]</i>	
8.	Any exhibits identified or admitted by any other party.	
9.	Any other pleadings or exhibits previously filed on the Court's docket.	
10.	Any exhibits for rebuttal and/or impeachment purposes at the Hearing.	

III. RESERVATION OF RIGHTS

BNRG reserves the right to ask the Court to take judicial notice of pleadings, transcripts, and/or documents filed in or in connection with these Bankruptcy Cases, to offer rebuttal exhibits, and to supplement or amend this *Witness and Exhibit List* at any time prior to the Hearing. Nothing herein shall be deemed to waive any objections BNRG may have to any witness or exhibit listed on any other party's witness and exhibit list.

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Dated: August 8, 2024
Wilmington, Delaware

Respectfully submitted,

By: /s/Martin J. Weis

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