

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF KENTUCKY
PIKEVILLE DIVISION**

In re:) Chapter 11
)
Coking Coal, LLC,) Case No. 24-70529 (GRS)
)
Debtor.)
) **Ref. Docket Nos. 18, 42, 43, 61**
)

CERTIFICATE OF SERVICE

I, PANAGIOTA MANATAKIS, hereby certify that:

1. I am employed as a Senior Case Manager by Epiq Corporate Restructuring, LLC, with their principal office located at 777 Third Avenue, New York, New York 10017. I am over the age of eighteen years and am not a party to the above-captioned action.
2. On December 18, 2024, I cause to be served the:
 - a. “Order Granting Debtor’s Motion to Provide Adequate Assurance to its Utilities and Impose Related Procedures,” filed on December 16, 2024, *related to Docket No. 18*, a copy of which is annexed hereto as Exhibit A, (the “Revised Utility Motion”),
 - b. “Debtor’s Application to Employ Hamilton Law Offices, PLLC as Conflicts and Special Counsel for the Debtor and Debtor In Possession on an Interim Basis,” dated December 17, 2024 [Docket No. 42], (the “Hamilton Application”),
 - c. “Order Granting Debtor’s Motion to Expedite Hearings on and Shorten the Notice Period for First Day Matters,” dated December 18, 2024 [Docket No. 43], (the “Expedite Hearing Order”), and
 - d. “Debtor’s Motion to Expedite Hearing on Its Application to Employ Conflicts Counsel and Shorten the Notice Period,” dated December 18, 2024 [Docket No. 61], (the “Motion”),

by causing true and correct copies of the:

- i. Revised Utility Motion, Hamilton Application, Expedite Hearing Order and Motion to be enclosed securely in separate postage pre-paid envelopes and delivered via first class mail to those parties listed on the annexed Exhibit B,
 - ii. Revised Utility Motion to be enclosed securely in separate postage pre-paid envelopes and delivered via first class mail to those parties listed on the annexed Exhibit C, and
 - iii. Hamilton Application, Expedite Hearing Order and Motion to be delivered via electronic mail to those parties listed on the annexed Exhibit D.
3. All envelopes utilized in the service of the foregoing contained the following legend:
"LEGAL DOCUMENTS ENCLOSED. PLEASE DIRECT TO THE ATTENTION OF ADDRESSEE, PRESIDENT OR LEGAL DEPARTMENT."

/s/ Panagiota Manatakis
Panagiota Manatakis

EXHIBIT A

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF KENTUCKY
PIKEVILLE DIVISION

In re:) Chapter 11
Coking Coal, LLC,)
Debtor.) Case No. 24-70529
)
)
)

ORDER GRANTING DEBTOR’S MOTION TO PROVIDE ADEQUATE ASSURANCE TO ITS UTILITIES AND IMPOSE RELATED PROCEDURES

This matter came before the Bankruptcy Court¹ upon the Motion filed by the Debtor in the captioned case for the entry of an order establishing the adequacy of its proposed adequate assurance of payment to its Utility Providers and implementing related procedures, as more fully described in the Motion. The Bankruptcy Court has reviewed the Motion, which establishes sufficient legal and factual bases and other just cause for the relief sought in the Motion.

For the foregoing reasons, IT IS HEREBY ORDERED:

1. The Motion is GRANTED.
2. All objections to the Motion are overruled on the merits to the extent that they have not been withdrawn or otherwise resolved, provided that a Utility Provider may file a Demand for Assurance notwithstanding.
3. Although the Motion is approved in full, the explicit commands of this Order shall govern over any contrary provision of the Motion.
4. The matter occasioned by the Motion is a “core proceeding,” as such phrase is used in Title 28 of the United States Code, over which the Bankruptcy Court has plenary authority.

¹ Capitalized terms used herein but not defined shall have the meaning ascribed to them in *Debtor’s Motion To Provide Adequate Assurance To Its Utilities And Impose Related Procedures*.

5. Due and proper notice of the Motion has been given by the Debtor, such that no further notice is necessary.
6. Approval of the Motion is in the best interests of the Debtor, its estate, creditors, and other “parties in interest,” as such phrase is defined in § 1109 of the Bankruptcy Code.
7. The Proposed Adequate Assurance is adequate under the specific facts and circumstances of the captioned case.
8. If a Utility Provider demands seeks additional security for its provision of Utility Services, then the Utility Provider shall file a written demand (a “Demand for Assurance”), served on counsel for the Debtor and the DIP Lender (as defined below), which, at minimum, sets forth (i) a specific and reasoned basis for its belief that the Proposed Adequate Assurance is inadequate, (ii) a commitment to accept as satisfactory a specific form and amount of adequate assurance, and (iii) any other pertinent matter.
9. Any Demand for Assurance which is not filed on or before the date which is fourteen (14) days after the Petition Date shall be deemed overruled on the merits. In the event that a Utility Provider interposes a timely Demand for Assurance, any putative right of the Utility Provider to alter, refuse, or discontinue its provision of the Utility Services pursuant to § 366 of the Bankruptcy Code shall be suspended until the Bankruptcy Court has made a ruling on such Demand for Assurance (the “Suspension Period”).
10. Once a Demand for Assurance has been filed, the Debtor (in consultation with the DIP Lender) will make a good faith effort to negotiate a consensual resolution of the Demand for Assurance with the Utility Provider during the Suspension Period. If the Debtor and the objecting Utility Provider are unable to settle their dispute, then either of them may request a hearing before the Bankruptcy Court on or after the date which is sixty days after the

Petition Date. The Suspension Period shall remain in place until the Bankruptcy Court holds a hearing and makes a ruling sustaining or overruling the Demand for Assurance.

11. Nothing in this Order shall in any way alter, modify, or adversely affect the conditions upon which the Debtor is permitted to use cash collateral or the terms pursuant to which Tacora Capital LP (the “DIP Lender”) shall provide post-petition financing or the amounts to be provided by the DIP Lender to the Debtor pursuant to the Post-Petition Loan and Security Agreement (the “DIP Facility Loan Documents”). To the extent that this Order conflicts with either the Interim (the “Interim DIP Order”) or Final (the “Final DIP Order”) Order approving the DIP Facility Loan Documents (the Interim DIP Order and the Final DIP Order collectively referred to as the “DIP Orders”), the DIP Orders shall control.
12. The Debtor’s listing of an entity on the list of the Utility Providers is not an admission that such entity is a utility within the meaning of section 366 of the Bankruptcy Code, and the Debtor (and other interested parties, such as the DIP Lender) reserve the right to contest any such characterization in the future.
13. The Debtor is authorized immediately to undertake all actions authorized, implicitly contemplated by the Motion, or otherwise necessary to effectuate this Order.
14. The Bankruptcy Court shall retain jurisdiction over this Order.

TENDERED BY:

DINSMORE & SHOHL LLP

/s/ Ellen Arvin Kennedy
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Proposed Counsel for Debtor and Debtor-in-Possession

EXHIBIT B

UTILITY SPREADSHEET

U				S r	Pr d d	A	N	r
Br	R d	Br	d d	Telecommunications			2001	
C	C r			Telecommunications				
C	r	d V	E r I	Utilities			multiple	
H	N	r S	LLC	Telecommunications				
	d r	H d	I	Telecommunications			1574	
O d D	P r C			Utilities			multiple	
T	A	V r		Utilities				
V r	r	S r	LLC	Telecommunications				

EXHIBIT B

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AMERICAN RESOURCES INSURANCE COMPANY INC	ATTN: CHRIS SLYE 111 HILLCREST ROAD STE 100 MOBILE AL 36695 UNITED STATES OF AMERICA
APPALACHIAN RESOURCE COMPANY, LLC	ATTN: CHAD HUNT 251 TOLLAGE CREEK PIKEVILLE KY 41501 UNITED STATES OF AMERICA
ARCELORMITTAL SOURCING SCA	ATTN: IULIAN IACOB 24-26 BOULEVARD D'AVRANCHES GRAND DUCHY OF LUXEMBURG LUXEMBURG L-1160 LUXEMBOURG
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Total Count: 68

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Case No. 24-70529 (GRS)

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