

Adequate Assurance of Payment

8. Pursuant to Section 366(c)(2) of the Bankruptcy Code, a Utility Company may alter, refuse or discontinue a Chapter 11 debtor's utility service if the Utility Company does not receive from the debtor or the trustee adequate assurance of payment within thirty (30) days of the commencement of the debtor's Chapter 11 case.

9. The Debtor is current on its prepetition obligations to the Utility Companies and the Debtor proposes to make on-going post-petition payments from the use of cash collateral and proceeds received through ongoing business operations. The Debtor proposes to make payments post-petition, even if an invoice contains charges for pre-petition service. The Debtor submits that this form of adequate protection is less expensive and less disruptive to the Utilities, the Debtor and the Debtor's tenants and creditors, as compared to negotiating security deposits for each account and determining the charges owed for pre- and post-petition services on a particular invoice.

10. In light of the foregoing the Debtor respectfully submits that the Court should determine that the commitment to make all pre-petition and on-going post-petition payments constitutes adequate assurance of payment for the Utility Companies (the "Proposed Adequate Assurance") and order that the same shall not alter, refuse, or discontinue services to and/or discriminate against the Debtor on account of the bankruptcy filing or any prepetition amounts due.

Modifications to Utility List

11. It is possible that, despite the Debtor's best efforts, certain Utility Companies have not yet been identified by the Debtor or included on the Utility List. To the extent that the Debtor identifies additional Utility Companies, the Debtor will file amendments to the Utility List, and will serve copies of the Motion and Order (when and if entered) on such newly-