

5/19/2004

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION**

In re: DAN RIVER, INC., et al., Debtors.)) Chapter 11)) Case Nos. 04-10990 through 04-10993) Jointly Administered)) Judge Drake)
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ORDER AND NOTICE OF HEARING ON MOTION AND MEMORANDUM OF LAW TO VACATE, AND/OR RECONSIDER, AND/OR MODIFY, ORDER (A) DEEMING UTILITIES ADEQUATELY ASSURED OF PAYMENT, (B) PROHIBITING UTILITIES FROM ALTERING, REFUSING, OR DISCONTINUING SERVICES, AND (C) ESTABLISHING PROCEDURES FOR RESOLVING REQUESTS FOR ADDITIONAL ASSURANCE

PLEASE TAKE NOTICE that on May 14, 2004, American Electric Power, Dominion Virginia Power, Duke Power Company and Progress Energy Carolinas (collectively, the "Utilities") filed their Motion And Memorandum Of Law To Vacate, And/Or Reconsider, And/Or Modify, Order (A) Deeming Utilities Adequately Assured Of Payment, (B) Prohibiting Utilities From Altering, Refusing, Or Discontinuing Services, And (C) Establishing Procedures For Resolving Requests For Additional Assurance (the "Motion"). The Motion is on file with the Clerk of this Court and may be reviewed at the Clerk's office during normal business hours.

PLEASE TAKE FURTHER NOTICE that the Motion seeks, pursuant to Federal Rule of Bankruptcy Procedure 9024 and Section 366(b) of the Bankruptcy Code to: (I) vacate, and/or reconsider, and/or modify, the *Order*, entered by this Court on April 1, 2004 (*A) Deeming Utilities Adequately Assured of Payment, (B) Prohibiting Utilities From Altering, Refusing, or Discontinuing Services, and (C) Establishing Procedures For Resolving Requests For Additional Assurance* (the "Utility Order"), (II) to Vacate any Provision of the Utility Order Enjoining the Utilities From Making a Claim Against a Letter of Credit Securing the Payment for Utility Services, and (III) to Modify the Utility Order to Allow the Utilities to Obtain a Prompt Hearing on Adequate Assurance of Payment.

PLEASE TAKE FURTHER NOTICE AND IT IS HEREBY ORDERED that all objections to the relief requested in the Motion shall be filed on or before the 24 day of June, 2004 with the Clerk of the United States Bankruptcy Court for the Northern District of Georgia whose address is Second Floor Courtroom, United States Courthouse, 18 Greenville Street, Newnan, Georgia, 30263 and shall be served upon counsel for the Utilities, Russell R. Johnson III, 3734 Byfield Place, Richmond, Virginia 23233 and Darryl S. Laddin, Arnall Golden Gregory LLP, 2800 One Atlantic Center, 1201 West Peachtree Street, Atlanta, Georgia 30309-3450.

PLEASE TAKE FURTHER NOTICE AND IT IS FURTHER ORDERED that a hearing on the Motion and any objections thereto shall be held before the undersigned on the 29 day of June, 2004 at 10:00 o'clock a.m. in the Second Floor Courtroom, United States Courthouse, 18 Greenville Street, Newnan, Georgia, 30263.

IT IS FURTHER ORDERED that counsel for the Utilities shall serve a copy of this Order and Notice within three (3) business days after entry upon the United States Trustee, counsel for the Debtors, counsel for the Official Committee of Unsecured Creditors and all parties that have filed a notice of appearance in these cases.


IT IS SO ORDERED, this 19th day of May, 2004.



W. H. DRAKE, JR.
UNITED STATES BANKRUPTCY JUDGE

Prepared and presented by:

Arnall Golden Gregory LLP

By: 

Darryl Laddin (Ga. Bar No. 460793)

Heath J. Vicente (Ga. Bar No. 728289)

2800 One Atlantic Center
1201 W. Peachtree Street, NE
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-and-

Russell R. Johnson III
3734 Byfield Place
Richmond, Virginia 23233
Phone: (804) 747-7208

Co-Counsel for American Electric Power,
Dominion Virginia Power, Duke Power
Company, and Progress Energy Carolinas

[BLR LIST ON FOLLOWING PAGE]

Identification of parties to be served pursuant to BLR 9013-3(c)(2), N.D.Ga.:

Darryl S. Laddin, Arnall Golden Gregory LLP, 2800 One Atlantic Center, 1201 West Peachtree Street, Atlanta, Georgia 30309-3450

Office of U.S. Trustee, 362 Richard B. Russell Federal Bldg., 75 Spring Street, SW, Atlanta, Georgia 30303

Allen C. Winsor, King & Spalding, LLP, Suite 4900, 191 Peachtree Street, Atlanta, GA 30303

Dennis J. Connolly, Alston & Bird LLP, 1201 West Peachtree Street, Atlanta, GA 30309-3424

Case # 04-10990

COUNSEL IS SERVING

Bonnie King

Bonnie King
Relief Courtroom Deputy Clerk to Judge Drake
Date: 5-19-04

CERTIFICATE OF SERVICEDistrict/off: 113E-7
Case: 04-10990User: holmesy
Form ID: pdf534Page 1 of 1
Total Served: 11

Date Rcvd: May 19, 2004

The following entities were served by first class mail on May 21, 2004.

db +Dan River Inc., (800)603-4877, (434)799-7003 outside United States, P. O. Box 261,
Danville, VA 24543-0261

aty +Akin Gump Strauss Hauer & Feld LLP, 590 Madison Avenue, New York, NY 10022-2524

aty +Allen C. Winsor, King & Spalding, LLP, Suite 4900, 191 Peachtree Street,
Atlanta, GA 30303-1740

aty +Darryl S. Laddin, Arnall Golden Gregory LLP, 2800 One Atlantic Center,
1201 W. Peachtree Street, Atlanta, GA 30309-3449

aty +Ernst & Young, LLP, Greensboro/Winston Salem, 202 Centreport Drive, Suite 200,
Greensboro, NC 27409-9717

aty +Felton E. Parrish, King & Spalding LLP, 191 Peachtree Street, Suite 4900,
Atlanta, GA 30303-1740

aty +James A. Pardo, Jr., King & Spalding, 191 Peachtree Street, Suite 4900,
Atlanta, GA 30303-1740

aty +Jonathan W. Jordan, King & Spalding LLP, 191 Peachtree Street, Suite 4900,
Atlanta, GA 30303-1740

aty +Lamberth, Cifelli, Stokes & Stout, P.A., 3343 Peachtree Road, NE, East Tower, Suite 550,
Atlanta, GA 30326-1085

+J. Jeneane Treace, Office of The U.S. Trustee, Suite 362, 75 Spring St SW,
Atlanta, GA 30303-3309

+Russell R. Johnson III, 3734 Byfield Place, Richmond, VA 23233-1819

The following entities were served by electronic transmission.

NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.**I, Joseph Speetjens, declare under the penalty of perjury that I have served the attached document on the above listed entities in the manner shown, and prepared the Certificate of Service and that it is true and correct to the best of my information and belief.****First Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: May 21, 2004

Signature: 