

# Motion to Determine Adequate Assurance for Payment of Utility Services, or in the Alternative, Establishing the Procedure for Determining Adequate Assurance

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## Docketing Event

Bankruptcy > Motions/Applications/Objections > Motion to Determine Adequate Assurance (or Procedure) for Payment of Utilities

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**Negative Notice:** N/A

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**Accompanying Orders:** Yes.

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## Code and Rule References:

[11 U.S.C. § 366](#)

[11 U.S.C. § 1107](#)

[11 U.S.C. § 1108](#)

[Local Rule 2081-1\(g\)\(7\)](#)

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**Fee:** N/A

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**Applicable Chapters:** 11

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**Implemented:** 7/26/2018

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**Last Revision:** 10/23/2019

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## Description

The procedure to follow for all motions to determine adequate assurance for utility service in a Chapter 11 is governed by 11 U.S.C. § 366 and Local Rule 2081-1(g)(7). The debtor should file this motion early in a Chapter 11 case. The motion should be accompanied by a proposed order that complies with the language included in Local Rule 2081-1(g)(7)(B). The court will conditionally grant all motions to determine adequate assurance and allows an interested party 30 days to file a written objection to the motion. After the expiration of the 30 day objection period, if no objections are received the order becomes final.

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## Filing Checklist

Review the motion to determine if:

- It is signed;
- Contains the following information:
  - a schedule of the names and addresses of the utilities;
  - whether the debtor is current in the payment of its utility;
  - an average monthly utility expense;
  - the amount owed each utility; and
  - the method by which the debtor will provide adequate assurance of timely payment.
- It is accompanied by a proposed order conditionally granting the motion.
  - ❖ **Note: Order should contain a paragraph providing a 30-day objection period as described in Local Rule 2081-1(g)(7)(B).**

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**Forms**

[Order Conditionally Granting Motion to Determine Adequate Assurance for Payment of Utility Services, or in the Alternative, Establishing the Procedure for Determining Adequate Assurance](#)