

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS  
EASTERN DIVISION

In re:

ESSENTIAL.COM, INC.,

Debtor.

Chapter 11

Case No. 01-15339-WCH

**DEBTOR'S MOTION TO REMOVE PROOFS OF CLAIM FROM COURT**

To the Honorable William C. Hillman, Chief United States Bankruptcy Judge:

Essential.com, Inc., the debtor and debtor-in-possession ("Debtor"), hereby moves this Court for permission for the Debtor and the Official Committee of Unsecured Creditors ("Committee") to temporarily remove from the Office of the Clerk of the Court the proofs of claim filed in the above proceeding. Given the non-adversarial, uncontested and routine nature of this request, the Debtor requests that the Court allow this motion (the "Motion") without a hearing and without holding the Motion for objections. In support of his motion, the Debtor states as follows:

1. On June 29, 2001 (the "Petition Date"), the Debtor filed a voluntary petition for relief under Chapter 11 of the Bankruptcy Code (the "Bankruptcy Code") in this Court.
2. The Debtor continues to operate as a debtor-in-possession pursuant to Sections 1107 and 1108 of the Bankruptcy Code.
3. The Debtor and Committee are in the process of finalizing a liquidating plan of reorganization and disclosure statement. In order to review claims for the disclosure statement and, ultimately, make a distribution to creditors under the terms of the plan, a review of and objections to the proofs of claim filed in this bankruptcy proceeding must be made.

APP \_\_\_\_\_  
CAF \_\_\_\_\_  
CMP \_\_\_\_\_  
COM \_\_\_\_\_  
CTR \_\_\_\_\_  
ECR \_\_\_\_\_  
LEG \_\_\_\_\_  
OPC \_\_\_\_\_  
PAI \_\_\_\_\_  
RGO \_\_\_\_\_  
SEC I \_\_\_\_\_  
SER \_\_\_\_\_  
OTH for \_\_\_\_\_  
g. N. M. J.

DOCUMENT NUMBER-DATE

13448 OCT 24 01

FPSC-COMMISSION CLERK

4. The bar date (the "Bar Date") for the filing of proofs of claim in this proceeding was October 12, 2001.

**RELIEF REQUESTED**

5. The review, organization of and objections to proofs of claim, will require, at a minimum, regular access to and copies of the proofs of claim, the ability to compare the proofs of claim to the Debtor's records and a space to perform the analysis. Given the volume of the claims which have been filed in this proceeding, the task of performing the claims review at the Office of the Clerk presents a significant undertaking and a significant cost to the Debtor and the Committee.

6. The cost to the Debtor and the Committee of performing the claims analysis, however, could be significantly reduced if proofs of claim could be removed from the Office of the Clerk for the sole purpose of copying such claims. By copying the claims and being able to perform the analysis where the Debtor's records are located, the Debtor and the Committee can insure that the claims review process is more efficient, shorter and more cost effective.

7. In order to assist the Court, the Debtor and the Committee also intend to create a claims register that will be filed with the Court so that it is available to the public. The Debtor proposes to create a claims register in substantially the same form as would be produced by the Office of the Clerk by preparing a numbered list of each claimant, each claimant's address, the amount of each claim, and the claimant's classification of its claim.

8. The Debtor therefore respectfully requests that the Debtor and the Committee be permitted to remove the proofs of claim from the Office of the Clerk, for a period not to exceed forty-eight (48) hours, for the sole purpose of copying proofs of claim. The Debtor and the

Committee proposes to engage an established Boston copy service, with the capability of completing the project, to copy the proofs of claim.

9. The Debtor does not believe that any creditor or party in interest would be prejudiced by the short period of time during which the proofs of claim would not be available at the Office of the Clerk.

10. Given the ministerial nature of the relief requested, the Debtor requests that the Court allow this Motion without holding a hearing and without holding the Motion for objections. No prejudice will result to any party as a result of the relief requested. Instead, the Debtor's removal of the claims will benefit creditors because the Debtor will create a claims register which will be available for all parties to review.

#### NOTICE

11. The Debtor has served this motion upon the United States Trustee, counsel to BankAmerica, the Debtor's 20 largest creditors, counsel to the Creditors' Committee, and other parties who have requested notice.

WHEREFORE, the Debtor respectfully requests that this Court enter an order:

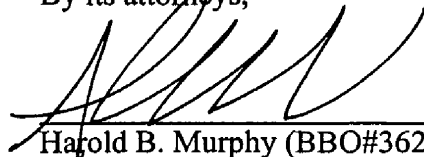
- (i) Determining that notice of the Motion was sufficient;
  - (ii) Allowing the Motion without a hearing and without holding the Motion for objections;
  - (iii) Permitting the Debtor to remove the original proofs of claim filed in this substantively consolidated case for a forty-eight (48) hour period for the sole purpose of copying such claims;
  - (iv) Authorizing the Debtor to create an official claims register for the Debtor's case;
- and

(v) Granting the Debtor such other relief as is just and proper.

Respectfully submitted,

ESSENTIAL.COM, INC.,

By its attorneys,



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Dated: October 16, 2001

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