

Vendor FAQs

The following information is designed to answer questions that you may have regarding the bankruptcy cases commented in the United States (collectively, the “Chapter 11 Proceeding”). These are meant to answer general questions and it is recommended that you contact counsel for any legal advice.

1. Which specific entities filed for Chapter 11 protection? How can I determine if I do business with a filing entity?

Inversiones Latin America Power Ltda., San Juan S.A., and Norvind S.A. (collectively, the “Debtors”) each commenced a voluntary Chapter 11 case in the United States Bankruptcy Court for the Southern District of New York (the “Bankruptcy Court”). If your purchase orders come from, or your invoices are sent to, any of these entities, then you do business with a filing entity.

2. How will the Chapter 11 Proceeding impact the Debtors’ business?

The Chapter 11 Proceeding is designed to resolve certain liabilities and does not affect any of the Debtors’ material operations. The Debtors will continue to operate in the normal course of business and intend to continue working with vendors to ensure that electricity services are provided without interruption to customers.

3. How will the Chapter 11 Proceeding impact the Debtors’ vendors?

The Debtors do not anticipate the Chapter 11 Proceeding to have impacts on their vendors. The Debtors will continue to operate in the ordinary course throughout the process and expect business as usual with their vendors. The Debtors will continue to work with their vendors during this process and are relying on the vendors to continue providing products and services under normal and customary terms. The Chapter 11 Proceeding is not intended to disrupt, delay, or otherwise interfere with the Debtors’ generation and provision of electricity.

The Debtors filed a “prepackaged” plan of reorganization, which involved negotiating with certain of their affected creditors as to how the claims of affected creditors would be addressed through the Chapter 11 Proceeding and beginning to solicit all affected creditors for approval of such plan prior to initiating the Chapter 11 Proceeding. If confirmed by the Bankruptcy Court, the Debtors’ plan of reorganization provides that claims held by vendors against the Debtors as of the commencement of the Chapter 11 Proceeding will generally be paid in full upon the Debtors’ emergence from bankruptcy or otherwise reinstated. Moreover, the Debtors have filed customary “first-day motions” that, subject to Bankruptcy Court approval, will help the Debtors meet certain obligations due to certain vendors as of the commencement of the Chapter 11 Proceeding. The Debtors intend to honor all obligations arising during the Chapter 11 Proceeding in the ordinary course.

4. Will the Debtors be able to pay their vendors and maintain a steady flow of services to their customers?

The Debtors expect to use, among other things, existing cash and receivables, to support their continued operations and intend to pay their vendors in the normal course of business during the Chapter 11 Proceeding. In addition, the Debtors have filed customary “first-day motions” that, subject to Bankruptcy Court approval, will help the Debtors meet their post-petition obligations to customers and vendors alike. The Debtors do not expect the Chapter 11 Proceeding to impact their ability to operate and fulfill customer needs.

5. Will vendors be paid for goods shipped and services provided to the Debtors on or after the filing date? Will vendors continue to be paid in a timely fashion?

The Debtors will pay all vendors in full on normal terms for goods and services provided on or after the commencement of the Chapter 11 Proceeding.

6. Will vendors be paid for goods and services provided to the Debtors prior to the filing date?

If a vendor has not been paid for any goods or services provided to the Debtors before commencement of the Chapter 11 Proceeding, the vendor may have a “pre-petition claim,” which cannot be paid without Bankruptcy Court approval. The Debtors believe that most of their vendors have been paid for goods and services provided prior to the commencement of the Chapter 11 Proceeding. Nevertheless, if confirmed by the Bankruptcy Court, the Debtors’ plan of reorganization provides that claims held by vendors against the Debtors for goods and services provided prior to the commencement of the Chapter 11 Proceeding will generally be paid in full upon the Debtors’ emergence from bankruptcy or otherwise reinstated. Moreover, the Debtors have filed customary “first-day motions” that, subject to Bankruptcy Court approval, will help the Debtors meet certain obligations due to certain vendors for goods and services provided prior to the commencement of the Chapter 11 Proceeding.

Relatedly, the Debtors have established payment plans with certain of their vendors for the provision of certain prepetition services. The Debtors do not anticipate rejecting any of their executory contracts; accordingly, in the event the Debtors’ plan of reorganization is confirmed by the Bankruptcy Court, any claims associated with such prepetition services and/or payment plans will likely be reinstated, with the Debtors continuing to honor their obligations thereunder during the course of the Chapter 11 Proceeding and upon emergence therefrom.

7. Will the Chapter 11 Proceeding impact me if I provide goods or services to a related entity that is not part of the Chapter 11 Proceeding?

No, only Inversiones Latin America Power Ltda., San Juan S.A., and Norvind S.A. are Debtors in the Chapter 11 Proceeding. All related parties continue to operate as usual, and goods and services provided to these entities will continue to be paid under customary and usual terms.

8. How long will this process take and what are the key milestones?

The Debtors intend to move through the restructuring process as quickly as possible. The Debtors have filed a “prepackaged” plan of reorganization and began soliciting affected creditors for approval of their proposed plan of reorganization before initiating the Chapter 11 Proceeding. Apart from obtaining certain “first day” relief, key milestones include confirmation of the proposed plan of reorganization and such plan going effective, due to the satisfaction of certain requirements or the waiver thereof by certain of the Debtors’ affected creditors. The Debtors aim to conclude the Chapter 11 Proceeding in the first quarter of 2024.

9. Who will my point of contact be?

Your point of contact will not change. The Debtors look forward to continuing to work with you as they always have.

10. Where should I go for more information?

Additional information regarding the Chapter 11 Proceeding is currently available on <https://dm.epiq11.com/ILAP>. This website will be updated as the proceeding moves forward.