

ORIGINAL

1 ALAN PEDLAR (State Bar No. 72216), and  
2 GEORGE C. WEBSTER II (State Bar No. 82870)  
3 Members of STUTMAN, TREISTER & GLATT  
4 PROFESSIONAL CORPORATION  
5 3699 Wilshire Boulevard, Suite 900  
6 Los Angeles, California 90010  
7 Telephone: (213) 251-5100

**FILED**

**JUN 17 1999**

8 Reorganization Counsel for  
9 Debtor and Debtor in Possession

BANKRUPTCY COURT  
OAKLAND, CALIFORNIA

10 Debtor's Mailing Address:

11 KENETECH Windpower, Inc.  
12 6952 Preston Avenue  
13 Livermore, California 94550

14 UNITED STATES BANKRUPTCY COURT

15 NORTHERN DISTRICT OF CALIFORNIA

16	In re	)	Case No. 96 44426 T
17		)	
18		)	Chapter 11
19	KENETECH WINDPOWER, INC., fka	)	
20	U.S. WINDPOWER, INC.,	)	ORDER GRANTING FINAL FEE APPLI-
21		)	CATION COMBINED WITH EIGHTH
22		)	INTERIM APPLICATION OF STUTMAN,
23	Debtor.	)	TREISTER & GLATT PROFESSIONAL
24		)	CORPORATION FOR ALLOWANCE AND
25		)	PAYMENT OF COMPENSATION AND
26		)	REIMBURSEMENT OF EXPENSES (FOR
27		)	THE PERIOD FROM OCTOBER 1, 1998,
28		)	THROUGH APRIL 7, 1999)
		)	
		)	<u>Hearing</u>
		)	
		)	Date: June 14, 1999
		)	Time: 10:00 a.m.
		)	Place: Courtroom 201
		)	1300 Clay Street
		)	Oakland, CA 94612

23 On June 14, 1999, a hearing was held in the above-  
24 captioned case before the undersigned United States Bankruptcy  
25 Judge on the "Final Fee Application Combined With Eighth Interim  
26 Application Of Stutman, Treister & Glatt Professional Corporation  
27 For Allowance And Payment Of Compensation And Reimbursement Of  
28 Expenses (For The Period From October 1, 1998 Through April 7,

Entered On  
JUN 17 1999  
2534

1 1999)" (the "Final Fee Application"), filed by Stutman, Treister  
2 & Glatt Professional Corporation ("ST&G"), the reorganization  
3 counsel to KENETECH Windpower, Inc. ("KWI"), debtor and debtor in  
4 possession, there appearing George C. Webster II, a member of  
5 ST&G, and other parties as indicated in the recorded transcript  
6 of the hearing.

7           Upon review and consideration of the Final Fee Applica-  
8 tion, the Declaration of Alan Pedlar filed in support of the  
9 Final Fee Application, the Declaration of Robin C. Gass filed in  
10 support of the Final Fee Application, the other pleadings filed  
11 in connection with the Final Fee Application, and the record in  
12 this case, the Court hereby finds that (a) notice of the Final  
13 Fee Application and the hearing on the Final Fee Application,  
14 which was provided to all entities who properly have filed and  
15 served a request for special notice pursuant to this Court's  
16 "Order Limiting Notice, Establishing Notice Procedures, And Ap-  
17 proving Form Of Notice Of § 341(a) Meeting Of Creditors," fully  
18 and adequately described the relief requested in the Final Fee  
19 Application and was reasonable and appropriate under the circum-  
20 stances, and (b) the allowance and payment on a final basis of  
21 the fees and expenses of ST&G, in the amounts set forth below,  
22 are reasonable and appropriate under the totality of the circum-  
23 stances of this case.

24           **NOW, THEREFORE, IT HEREBY IS ORDERED THAT:**

25           1. The relief requested in the Final Fee Application  
26 is granted.

27           2. ST&G's fees in the amount of \$2,933,204.50 and  
28 expenses in the amount of \$307,948.95, which were previously

1 awarded by orders of this Court on an interim basis, are hereby  
2 confirmed and awarded as final fee and cost awards for the period  
3 from May 29, 1996, through September 30, 1998, as an expense of  
4 administration in KWI's chapter 11 case.

5 3. ST&G's fees in the amount of \$472,933.50 and ex-  
6 penses in the amount of \$66,072.45, are hereby awarded as final  
7 fee and cost awards for the period from October 1, 1998, through  
8 April 7, 1999, as an expense of administration in KWI's chapter  
9 11 case.

10 4. The Estate Manager is authorized and directed to  
11 pay ST&G all of the fees allowed pursuant to this Order for which  
12 ST&G has not yet been compensated by exhaustion of its retainer  
13 or by interim payment pursuant to this Court's "Order Establish-  
14 ing Procedures For Interim Payment Of Fees And Reimbursement Of  
15 Expenses For Professionals And Committee Members"; such amount to  
16 be paid totaling \$113,700.71 as set forth in the Final Fee Appli-  
17 cation.

18 5. The Estate Manager is hereby authorized to review  
19 and pay, consistent with the practices of this Court, any addi-  
20 tional costs attributable to the period from October 1, 1998  
21 through April 7, 1999, but which have not yet been billed by ST&G

22	///	<u>Fees</u>	<u>EXP</u>
23	///	2,933,204.50	307,948.95
24	///	472,933.50	66,072.45
25	///	<u>\$ 3,406,138.00</u>	<u>\$ 374,021.40</u>
26	///		
27	///		
28	///		

1 to the KWI billing file, including costs related to the service  
2 and filing of the Final Fee Application.

3  
4 DATED: June 17, 1999

Leslie Tchaikovsky  
THE HONORABLE LESLIE TCHAIKOVSKY  
UNITED STATES BANKRUPTCY JUDGE

6 Presented By:

7  
8 George C. Webster II 6/15/99  
9 George C. Webster II, a Member of  
10 STUTMAN, TREISTER & GLATT  
11 PROFESSIONAL CORPORATION  
12 Reorganization Counsel for  
13 Debtor and Debtor in Possession  
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1 DECLARATION OF SERVICE

2 I am over the age of eighteen years and not a party to  
3 the within action. I am employed in an office that employs a  
4 member of the bar of this Court, at whose direction the within  
5 service was made. My business address is Stutman, Treister &  
6 Glatt Professional Corporation, 3699 Wilshire Boulevard, Suite  
7 900, Los Angeles, California 90010.

8 On June 15, 1999 I served the following pleading:

9 **ORDER GRANTING FINAL FEE APPLICATION COMBINED WITH  
10 EIGHTH INTERIM APPLICATION OF STUTMAN, TREISTER &  
11 GLATT PROFESSIONAL CORPORATION FOR ALLOWANCE AND  
12 PAYMENT OF COMPENSATION AND REIMBURSEMENT OF EXPENSES  
13 (FOR THE PERIOD FROM OCTOBER 1, 1998, THROUGH  
14 APRIL 7, 1999)**

15 on the interested parties in this action by placing true copies  
16 thereof, enclosed in sealed envelopes, with first class postage  
17 thereon fully prepaid, in the United States mail at Los Angeles,  
18 California addressed as follows:

19 Minnie Loo, Esq.  
20 Office of the United States  
21 Trustee  
22 1301 Clay Street, Suite 690N  
23 Oakland, CA 94612-5217

Margaret Sheneman, Esq.  
Murphy Sheneman Julian & Rogers  
101 California Street  
39th Floor  
San Francisco, CA 94111

24 F. Wayne Elggren  
25 Neilson, Elggren, Durkin & Co.  
26 A Division of Arthur Andersen  
27 Gateway Tower West  
28 15 West South Temple  
Suite 700  
Salt Lake City, UT 84101-1533

Robin C. Gass  
Kenetech Windpower, Inc.  
6952 Preston Avenue  
Livermore, CA 94550

I declare under penalty of perjury that the foregoing  
is true and correct.

EXECUTED on June 15, 1999 at Los Angeles, California.

24 Sandra DiNicola  
25 Sandra DiNicola, Declarant  
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