

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

ABEINSA HOLDING INC., *et al.*,

Debtors.¹

Chapter 11

Case No. 16-10790 (KJC)

(Jointly Administered)

Related D.I.: 423, 440, 443

NOTICE OF DEADLINE FOR FILING ADMINISTRATIVE CLAIMS

PLEASE TAKE NOTICE that on March 29, April 6, April 7, and June 12, 2016 (the “Petition Dates”), the above captioned debtors and debtors in possession (collectively, the “Debtors”) filed voluntary petitions for relief under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”) in the United States Bankruptcy Court for the District of Delaware (the “Court”).

PLEASE TAKE FURTHER NOTICE that on July 13, 2016, the Debtors filed the *Motion of Debtors for an Order (I) Establishing Deadlines for Filing Proofs of Claim and Administrative Expense Claims and (II) Approving the Form and Manner of Notice Thereof* (the “Motion”).²

PLEASE TAKE FURTHER NOTICE that on July 28, 2016, the Court entered an order (the “Bar Date Order”), among other things, establishing **October 17, 2016 at 5:00 p.m. (EDT)** as the deadline (“Administrative Claims Bar Date”) for all persons or entities holding any right to payment constituting an actual, necessary cost or expense of administering the Debtors’ chapter 11 cases or preserving the estates under section 503(b) and 507(a)(2) of the Bankruptcy Code (except for claims under section 503(b)(9) of the Bankruptcy Code) (each, an “Administrative Claim”) for the period from the Petition Date through July 31, 2016 (the “Initial”).

¹ The Debtors in these chapter 11 cases, together with the last four digits of each Debtor’s federal tax identification number, are as follows: Abeinsa Holding Inc. (9489); Abeinsa EPC LLC (1176); Abencor USA, LLC (0184); Abener Construction Services, LLC (0495); Abener North America Construction, LP (5989); Abengoa Solar, LLC (6696); Inabensa USA, LLC (2747); Nicsa Industrial Supplies LLC (9076); Teyma Construction USA, LLC (0362); Abeinsa Abener Teyma General Partnership (2513); Abener Teyma Mojave General Partnership (2353); Abener Teyma Hugoton General Partnership (7769); Abener Teyma Inabensa Mount Signal Joint Venture (9634); Teyma USA & Abener Engineering and Construction Services General Partnership (6534); Abengoa US Holding, LLC (6871); Abengoa US, LLC (9573); Abengoa US Operations, LLC (1268); Abengoa Bioenergy Biomass of Kansas, LLC (1119); Abengoa Bioenergy Hybrid of Kansas, LLC (9711); Abengoa Bioenergy Technology Holding, LLC (7434); Abengoa Bioenergy New Technologies, LLC (8466); Abengoa Bioenergy Holdco, Inc. (8864); Abengoa Bioenergy Meramec Holding, Inc. (1803). The chapter 11 case of Abengoa Bioenergy Biomass of Kansas, LLC, Case No. 16-10876, pending before the United States Bankruptcy Court for the District of Delaware (the “Court”) is stayed pending further order of the Court.

² Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Motion.

Administrative Claims Period”) to file a request for payment of Administrative Claim in a form substantially similar to the Administrative Claim Form enclosed herewith.³

A CLAIMANT SHOULD CONSULT AN ATTORNEY IF THE CLAIMANT HAS ANY QUESTIONS, INCLUDING WHETHER TO FILE AN ADMINISTRATIVE CLAIM.

If you have any questions with respect to this notice (the “Administrative Bar Date Notice”), you may contact the Debtors’ undersigned attorneys.

1. WHO MUST FILE AN ADMINISTRATIVE CLAIM

You **MUST** file an Administrative Claim in accordance with the procedures set forth in the Bar Date Order if you hold a right to payment constituting an actual, necessary cost or expense of administering the Debtors’ chapter 11 cases or preserving the estates under section 503(b) and 507(a)(2) of the Bankruptcy Code (except for claims under section 503(b)(9) of the Bankruptcy Code) (*i.e.*, an “Administrative Claim”) for the period from the Petition Date through July 31, 2016 (*i.e.*, “Initial Administrative Claims Period”), and it is not a claim described in Section 2 below.

Under section 101(5) of the Bankruptcy Code and as used herein, the word “claim” means: (i) a right to payment, whether or not such right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured; or (ii) a right to an equitable remedy for breach of performance if such breach gives rise to a right to payment, whether or not such right to an equitable remedy is reduced to judgment, fixed, contingent, matured, unmatured, disputed, undisputed, secured, or unsecured. An Administrative Claim is a claim of the kind described in sections 503(b)(1) through (8) of the Bankruptcy Code.

2. WHO NEED NOT FILE AN ADMINISTRATIVE CLAIM

The following persons or entities are **NOT** required to file an Administrative Claim:

- (a) the U.S. Trustee, on account of claims for fees payable pursuant to 28 U.S.C. § 1930;
- (b) professionals retained by the Debtors or the Committee pursuant to orders of this Court who assert administrative claims for fees and expenses subject to the Court’s approval pursuant to sections 330, 331, and 503(b) of the Bankruptcy Code;

³ The Bar Date Order is not applicable to Abengoa Bioenergy Biomass of Kansas, LLC (“ABBK”). All Proofs of Claim relating to ABBK should be filed in ABBK’s chapter 11 case pending before the United States Bankruptcy Court for the District of Kansas, Case No. 16-10446. Under ABBK’s *Motion for Entry of an Order Establishing Deadlines and Procedures for Filing Proofs of Claim and Approving the Form and Manner of Notice Thereof* filed on July 19, 2016 (Dkt. 294), the ABBK proposed Administrative Claims Bar Date is September 30, 2016 at 4:00 p.m. Central Time.

- (c) any person or entity whose Administrative Claim has been allowed by order of the Court entered on or before the Administrative Claims Bar Date or that has already been paid; and
- (d) any Administrative Claim on account of which a request for payment of Administrative Claim has already been filed with either the Debtors' claims agent, Prime Clerk LLC ("Prime Clerk"), or the Clerk of the United States Bankruptcy Court for the District of Delaware.

YOU SHOULD NOT FILE AN ADMINISTRATIVE CLAIM IF YOU DO NOT HAVE A SUCH A CLAIM AGAINST ANY OF THE DEBTORS. THE FACT THAT YOU HAVE RECEIVED THIS NOTICE DOES NOT MEAN THAT YOU HAVE AN ADMINISTRATIVE CLAIM OR THAT THE DEBTORS OR THE COURT BELIEVE THAT YOU HAVE SUCH A CLAIM.

3. WHEN AND WHERE TO FILE ADMINISTRATIVE CLAIM FORMS

All Administrative Claim Forms must be *actually received* by Prime Clerk on or before the Administrative Claims Bar Date at the following address:

If the Proof of Claim is sent by regular mail, overnight courier or hand deliver to:

Abeinsa Holding Inc. Claims Processing Center
c/o Prime Clerk LLC
830 3rd Avenue, 3rd Floor
New York, NY 10022

ADMINISTRATIVE CLAIM FORMS SUBMITTED BY FACSIMILE OR ELECTRONIC MAIL WILL NOT BE ACCEPTED.

Administrative Claim Forms will be deemed timely filed only if an original copy of the signed Administrative Claim Form is *actually received* by Prime Clerk at the address set forth above on or before the Administrative Claims Bar Date.

4. HOW TO FILE AN ADMINISTRATIVE CLAIM FORM

Enclosed herewith is a copy of an Administrative Claim Form.

If you wish to file an Administrative Claim, you must complete a claim form substantially in the form of the Administrative Claim Form. Your filed Administrative Claim Form must (i) be signed with an original signature by the claimant or, if the claimant is not an individual, by an authorized agent of the claimant; (ii) include supporting documentation (if voluminous, attach a summary) or explanation as to why documentation is not available; (iii) be in the English language; and (iv) be denominated in United States currency.

If you file an Administrative Claim Form and wish to receive a file-stamped receipt copy by return mail, you must include with your Administrative Claim Form an additional copy of your Administrative Claim Form and a self-addressed, postage-paid envelope.

YOU SHOULD ATTACH TO YOUR COMPLETED ADMINISTRATIVE CLAIM FORM COPIES OF ANY WRITINGS UPON WHICH YOUR ADMINISTRATIVE CLAIM IS BASED.

5. CONSEQUENCES OF FAILURE TO FILE AN ADMINISTRATIVE CLAIM FORM BY THE ADMINISTRATIVE CLAIMS BAR DATE

Except with respect to claims described in Section 2 above, any holder of an Administrative Claim against any Debtor with respect to the Initial Administrative Claims Period who received notice of the Administrative Claims Bar Date (whether such notice was actually or constructively received) and is required, but fails, to file an Administrative Claim Form in accordance with the Bar Date Order and this Administrative Bar Date Notice on or before the Administrative Claims Bar Date, (a) shall be forever barred, estopped, and enjoined from asserting such claim against such Debtor (or filing an Administrative Claim with respect thereto), and such Debtor and its property may upon confirmation of a chapter 11 plan be forever discharged from all such indebtedness or liability with respect to such claim, and (b) shall not receive or be entitled to receive any payment or distribution of property from the Debtors or their successors or assigns with respect to such claim.

Dated: July 29, 2016
Wilmington, Delaware

Respectfully submitted,

DLA PIPER LLP (US)

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