

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS  
**ENTERED**  
TAWANA C. MARSHALL, CLERK  
THE DATE OF ENTRY IS  
ON THE COURT'S DOCKET

In re	)	Chapter 11 Case
MIRANT CORPORATION, <u>et al.</u> ,	)	Case No. 03-4659 <u>a</u> (DML)
Debtors.	)	Jointly Administered

**ORDER APPROVING DEBTORS' MOTION PURSUANT TO  
FEDERAL RULE OF BANKRUPTCY PROCEDURE 9019 APPROVING  
CONSENT DECREE BETWEEN THE STATE OF NEW YORK AND  
DEBTORS MIRANT NEW YORK, INC. AND MIRANT LOVETT, LLC**

Upon the motion, dated September 22, 2003 (the "Motion"), of Mirant Corporation ("Mirant") and its affiliated debtors, as debtors-in-possession (collectively, the "Debtors"), for an order Approving Consent Decree Between the State of New York and Debtors Mirant New York, Inc. and Mirant Lovett, LLC; and it appearing that the Court has jurisdiction over this matter; and it appearing that due notice of the Motion has been provided, and that no other or further notice need be provided; upon all of the proceedings had before the Court; and after due deliberation and sufficient cause appearing therefor,

It is hereby:

**ORDERED**, that the Motion<sup>1</sup> is hereby GRANTED to the extent set forth herein; it is further

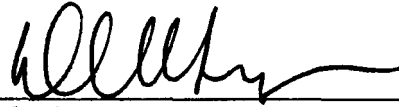
**ORDERED**, that the Consent Decree, entered October 9, 2003 in the District Court Action, is a valid postpetition agreement of Debtors Mirant New York, Inc. and Mirant Lovett,

<sup>1</sup> Unless otherwise defined herein, capitalized terms have the same meaning ascribed to them in the Motion.

LLC under Bankruptcy Code section 363, and such Debtors may undertake and perform the acts required (and in some cases, permitted) in the Consent Decree; it is further

**ORDERED**, that notwithstanding the previous paragraph, no Debtor shall enter into a binding agreement to construct the Back End Controls (as defined in the Motion), or submit a declaration of shut down, as set forth in the Consent Decree without first providing notice to the Committees appointed in this case and obtaining Court approval for such action.

Dated: October 15, 2003



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D. Michael Lynn,  
United States Bankruptcy Judge