

Court File No.

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

IN THE MATTER OF THE *COMPANIES' CREDITORS
ARRANGEMENT ACT*, R.S.C. 1985, c. C-36, AS AMENDED


AND IN THE MATTER OF A PLAN OF COMPROMISE OR
ARRANGEMENT OF VALIDUS POWER CORP., IROQUOIS
FALLS POWER CORP., BAY POWER CORP., KAP POWER
CORP., VALIDUS HOSTING INC. AND KINGSTON COGEN GP
INC., EACH BY THEIR COURT APPOINTED RECEIVER AND
MANAGER, KSV RESTRUCTURING INC.

AFFIDAVIT OF EVAN COBB

I, Evan Cobb of the City of Toronto, in the Province of Ontario, MAKE OATH AND SAY:

1. I am a partner with the law firm of Norton Rose Fulbright Canada LLP, lawyers for KSV Restructuring Inc., and, as such, have knowledge of the following matters.
2. Reference is made to the report dated August 23, 2023 (the "**Report**") filed by KSV, as receiver and manager (the "**Receiver**") of Validus Power Corp., et. al. and as proposed monitor in the above proceedings. Capitalized terms used herein and not otherwise defined have the meaning given to them in the Report.
3. Attached as Exhibit "A" hereto are copies of unaudited financial statements provided to the Receiver in respect of Kap and Bay and which are filed with those qualifications and restrictions as set out in the Report.

SWORN by Evan Cobb at the City of Toronto,
in the Province of Ontario, before me on
August 25, 2023 in accordance with
O. Reg. 431/20, Administering Oath or
Declaration Remotely.


DocuSigned by:

639C1001A69A4C2...

Commissioner for Taking Affidavits
(or as may be)



EVAN COBB

THIS IS EXHIBIT "A" REFERRED TO IN THE
AFFIDAVIT OF EVAN COBB SWORN BEFORE ME
THIS 25th DAY OF AUGUST, 2023 IN
ACCORDANCE WITH O. REG. 431/20,
ADMINISTERING OATH OR DECLARATION
REMOTELY

DocuSigned by:

639C1001A69A4C2...

A Commissioner, etc.

Kap Power Corp
Balance Sheet
As of 30 September 2022

	<u>30 Sep 22</u>
ASSETS	
Fixed Assets	
Property, Plant and Equipment	84,407,000.00
Total Fixed Assets	<u>84,407,000.00</u>
TOTAL ASSETS	<u>84,407,000.00</u>
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Other Current Liabilities	
Due to Validus Power Corp	84,934,299.82
Total Other Current Liabilities	<u>84,934,299.82</u>
Total Current Liabilities	<u>84,934,299.82</u>
Total Liabilities	84,934,299.82
Equity	
Capital Stock	100.00
Net Income	<u>-527,399.82</u>
Total Equity	<u>-527,299.82</u>
TOTAL LIABILITIES & EQUITY	<u>84,407,000.00</u>

Power Corp
Profit & Loss
January through December 2022

Income	
Electricity Income	9,269,431.03
Rent Income	2,251,800.00
Services Income	43,187,793.56
Total Income	<u>54,709,024.59</u>
Cost of Goods Sold	
Costs of Goods Sold	27,854,689.97
	<u>27,854,689.97</u>
Gross Profit	<u>26,854,334.62</u>
Expense	
Auto Expenses	2,512.28
Fees and Dues	92,939.00
Freight and Delivery	11,347.28
Inspection Fees	3,800.00
Insurance Expense	177,554.48
Interest Expense	14,490.69
Office Supplies	985.21
Payroll Expenses	1,162,692.00
Professional Fees	73,415.00
Property Taxes	31,386.40
Repairs and Maintenance	109,582.53
Software Expense	21,332.05
Telephone Expense	19,309.52
Training Expense	11,060.00
Travel Expenses	29,715.56
Utilities	380,514.79
Total Expense	<u>2,142,636.79</u>
Net Income	<u><u>24,711,697.83</u></u>

Day Power Corp
Balance Sheet
As of 31 December 2022

ASSETS**Fixed Assets**

Property, Plant and Equipment	84,445,439.52
Vehicles	111,332.00

Total Fixed Assets	84,556,771.52
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TOTAL ASSETS	84,556,771.52
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LIABILITIES & EQUITY**Liabilities**

Accounts Payable	159,941.89
Due to Validus Power Corp	44,275,153.43
GST/HST Payable	6,730,083.00

Total Liabilities	51,165,178.32
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Equity

Capital Stock	100.00
Retained Earnings	10,349,062.83
Net Income	23,042,430.37

Total Equity	33,391,593.20
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TOTAL LIABILITIES & EQUITY	84,556,771.52
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AND IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT OF VALIDUS POWER CORP., IROQUOIS FALLS POWER CORP., BAY POWER CORP., KAP POWER CORP., VALIDUS HOSTING INC. AND KINGSTON COGEN GP INC. EACH BY THEIR COURT APPOINTED RECEIVER AND MANAGER, KSV RESTRUCTURING INC.

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Proceeding commenced at TORONTO

AFFIDAVIT OF EVAN COBB

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Lawyers for the Applicants, each by the Receiver