

AVENTINE RENEWABLE ENERGY HOLDINGS INC  
Form 8-K  
January 12, 2009

**UNITED STATES**  
**SECURITIES AND EXCHANGE COMMISSION**

Washington, D.C. 20549

**FORM 8-K**

**CURRENT REPORT**

**PURSUANT TO SECTION 13 OR 15(d) OF THE**  
**SECURITIES EXCHANGE ACT OF 1934**

**Date of Report (Date of earliest event reported): January 6, 2009**

**AVENTINE RENEWABLE ENERGY HOLDINGS, INC.**

(Exact name of registrant as specified in its charter)

**Delaware**  
(State or other jurisdiction of  
incorporation)

**001-32922**  
(Commission File Number)

**05-0569368**  
(IRS Employer  
Identification No.)

**120 North Parkway**  
**Pekin, IL**  
(Address of principal executive offices)

**61554**  
(Zip Code)

Registrant's telephone number, including area code: **(309) 347-9200**

**Not Applicable**

Edgar Filing: AVENTINE RENEWABLE ENERGY HOLDINGS INC - Form 8-K

(Former name or former address, if changed since last report)

Check the appropriate box below if the Form 8-K filing is intended to simultaneously satisfy the filing obligation of the registrant under any of the following provisions:

- o Written communications pursuant to Rule 425 under the Securities Act (17 CFR 230.425)
  
  - o Soliciting material pursuant to Rule 14a-12 under the Exchange Act (17 CFR 240.14a-12)
  
  - o Pre-commencement communications pursuant to Rule 14d-2(b) under the Exchange Act (17 CFR 240.14d-2(b))
  
  - o Pre-commencement communications pursuant to Rule 13e-4(c) under the Exchange Act (17 CFR 240.13e-4(c))
-

**Item 1.01 Entry into a Material Definitive Agreement.**

Effective December 31, 2008, Aventine Renewable Energy Mt. Vernon, LLC, a wholly-owned indirect subsidiary of Aventine Renewable Energy Holdings, Inc. (hereinafter together called "Aventine") and Kiewit Energy Company ("Kiewit") entered into a change order, executed on January 6, 2009, to the Engineering, Procurement and Construction Services Fixed Price Contract (the "EPC Contract") for the ethanol facility currently under construction in Mt. Vernon, Indiana.

The change order contractually suspends construction of the ethanol facility (for up to 180 days, though Aventine plans to complete construction in Q4 2009 as previously reported) and addresses the extension of the construction schedule in the event of resumption of work. The payment schedule under the agreement was adjusted through June 30, 2009 as a result of this suspension of construction. Aventine also agreed to pay Kiewit and its subcontractors approximately \$4.9 million in suspension costs, accrued in Q4 2008. The change order further provides for suspension services, the resumption of work, and the tolling of deadlines and milestones during the suspension, cancels a letter of credit granted in favor of Aventine, provides for Kiewit's forbearance of remedies, and provides for various other responsibilities and obligations of the parties common to such construction contracts and their suspension.

**Item 9.01 Financial Statements and Exhibits.**

- (a) Financial statements of businesses acquired Not Applicable
- (b) Pro forma financial information Not Applicable
- (d) Exhibits

<b>Exhibit No.</b>	<b>Description</b>
None	

SIGNATURE

Pursuant to the requirements of the Securities Exchange Act of 1934, the registrant has duly caused this report to be signed on its behalf by the undersigned hereto duly authorized.

Dated: January 12, 2009

AVENTINE RENEWABLE ENERGY  
HOLDINGS, INC.

By: /s/ William J. Brennan  
William J. Brennan  
Principal Accounting Officer

