

FUELCELL ENERGY INC
Form 8-K
August 06, 2014

UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
WASHINGTON, DC 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): August 1, 2014

FUELCELL ENERGY, INC.
(Exact Name of Registrant as Specified in Charter)

| | | |
|--|--|--|
| Delaware (State or Other Jurisdiction of Incorporation) | 1-14204 (Commission File Number) | 06-0853042 (IRS Employer Identification No.) |
| 3 Great Pasture Road, Danbury, Connecticut (Address of Principal Executive Offices) Registrant's telephone number, including area code: (203) 825-6000 Not Applicable (Former Name or Former Address, if Changed Since Last Report) | | 06813 (Zip Code) |

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:

- .. Written communications pursuant to Rule 425 under the Securities Act (17 CFR 230.425)
- .. Soliciting material pursuant to Rule 14a-12 under the Exchange Act (17 CFR 240.14a-12)

Edgar Filing: FUELCELL ENERGY INC - Form 8-K

- .. Pre-commencement communications pursuant to Rule 14d-2(b) under the Exchange Act (17 CFR 240.14d-2(b))
 - .. 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

On August 1, 2014, the Company entered into an \$4.0 million revolving credit facility, dated August 1, 2014, with JPMorgan Chase Bank, N.A. (the "Bank"). This credit facility replaces the Company's previous credit facility with the Bank which expired concurrent with this agreement. The agreement has a one year term with renewal provisions. The outstanding principal balance of the facility bears interest, at the option of the Company, of either the one-month LIBOR plus 1.5 percent or the prime rate of JP Morgan Chase. The facility is secured by certain working capital assets and general intangibles, up to the amount of the outstanding facility balance. The Promissory Note is filed as exhibit 10.64 and the Export Loan Agreement is filed as exhibit 10.61 to this Form 8-K.

Item 9.01. Financial Statements and Exhibits.

(d) Exhibits.

| Exhibit No. | Description |
|-------------|--|
| 10.61 | Export loan agreement dated August 1, 2014, between the Company and JPMorgan Chase Bank, N.A. |
| 10.62 | Security Agreement dated January 4, 2011, between the Company and JPMorgan Chase Bank, N.A. (incorporated by reference to exhibit of the same number contained in the Company's 10-K for the period ended October 31, 2010 dated January 14, 2011) |
| 10.64 | Promissory Note dated August 1, 2014 between the Company and JPMorgan Chase Bank, N.A. |

SIGNATURES

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 hereunto duly authorized.

FUELCELL ENERGY, INC.

Date: August 6, 2014

By: /s/ Michael S. Bishop
Michael S. Bishop
Senior Vice President, Chief Financial Officer,
Corporate Secretary and Treasurer

EXHIBIT INDEX

| Exhibit No. | Description |
|-------------|---|
| 10.61 | Export loan agreement dated August 1, 2014, between the Company and JPMorgan Chase Bank, N.A. |
| 10.64 | Promissory Note dated August 1, 2014 between the Company and JPMorgan Chase Bank, N.A. |