

NEW YORK STATE  
PUBLIC SERVICE COMMISSION

CASE 05-M-0073 - Petition of M-GBC, LLC, for (1) a Certificate of Public Convenience and Necessity to Own, Operate and Maintain Existing Steam Plant, Electric Substation and Sprinkler Water Services Pursuant to the Public Service Law, (2) a Declaratory Ruling that it will be Subject Only to Lightened Regulation, (3) approval of Tariff for Steam Service, and (4) an Expedited Hearing.

CASE 05-S-0074 - New Tariff Schedule, PSC No. 1, for Steam Service in Calverton Industrial Park, Filed By M-GBC, LLC.

PROCEDURAL RULING

(Issued July 1, 2005)

MICHELLE L. PHILLIPS, Administrative Law Judge:

JEFFREY E. STOCKHOLM, Administrative Law Judge:

On June 30, 2005, a telephone conference was held on notice to all active parties in this proceeding. Counsel for M-GBC, LLC (M-GBC), the Calverton Owners Association (Association) and New York State Department of Public Service Staff (Staff) participated. The purpose of the procedural conference was to discuss whether the parties had resolved some or all of the issues in this proceeding, and to determine whether there was a need for further adjustment to the current procedural schedule, including, if necessary, establishing an evidentiary hearing date.

During the conference call, M-GBC and the Association noted that there was a tentative settlement of all of the issues pending before the Commission, including an agreement as to the rate to be charged for steam service. The Association further reported that M-GBC's current steam customers were prepared to waive any right to the continued receipt of steam service. Those waivers could create a situation where M-GBC would have no steam customers and no need for a certificate of public convenience and necessity for its steam plant. With respect to electric and sprinkler water service, M-GBC and the Association declared that once the necessary easements were approved, Long

Island Power Authority would provide electric service and the Riverhead Water District would provide sprinkler water service.

Staff stated that without a further extension of the schedule and/or a finalized settlement between M-GBC and the Association, dates would need to be established for responding to Staff information requests. Moreover, in the event that an evidentiary hearing would be required, Staff stressed the need to expeditiously establish such a date, so that the steam issues would be resolved prior to the next heating season.

In light of the foregoing, we stated that a new schedule will not be created at this time. Instead, we will hold a further procedural telephone conference on July 18, 2005, commencing at 10:00 a.m. The purpose of July 18, 2005 procedural conference is to allow the parties an additional opportunity to report on the progress of their efforts to resolve the pending issues, and, if necessary, to establish an expedited procedural schedule designed to ensure that all issues regarding the steam tariff filing are fully briefed by the end of September. An expedited schedule is warranted in this proceeding given the significant scheduling extensions that have heretofore been granted, petitioner's original request for an expedited hearing and filing of a tariff for steam service, and the need for the Commission to address the steam issues at its October session. The parties should consult with one another prior to the July 18, 2005 procedural conference and be prepared at that time to jointly propose a procedural schedule with future hearing and filing dates (including any proposed post-hearing briefing date) or be prepared to report a settlement of the issues in this case.

(SIGNED)

MICHELLE L. PHILLIPS

(SIGNED)

JEFFREY E. STOCKHOLM