

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 March 15, 2005)

MICHELLE L. PHILLIPS, Administrative Law Judge

JEFFERY E. STOCKHOLM, Administrative Law Judge

During the prehearing conference and hearing held on March 14, 2005, it became clear that additional evidence would be needed to adequately address the issues raised by the M-GBC, LLC (M-GBC) petition. Accordingly, Department of Public Service Staff (Staff), M-GBC and the Calverton Owners Association jointly proposed a procedural schedule for prefiled testimony and evidentiary hearings regarding the tariffs and certificates of public convenience and necessity requested in the petition.

Schedule

The proposed dates are generally reasonable and are adopted as follows:

<u>Date</u>	<u>Action Required</u>
May 17, 2005	Petitioner prefiles direct testimony to be served via e-mail, U.S. mail and overnight delivery.
July 19, 2005	Other parties prefile responsive testimony to be served via e-mail, U.S. mail and overnight delivery.

August 10, 2005          Evidentiary Hearings

The evidentiary hearings will begin at 10:00 a.m. and will be held in the Commission's Albany offices, Empire State Plaza, Agency Building 3, Third Floor, Hearing Room. A formal notice will be issued as we approach the August 10<sup>th</sup> date.

Active Parties List

Updates to the active parties list (copy attached) will be made as needed and will be posted on the DPS website (<http://www.dps.state.ny.us>).

Discovery

The electronic service of discovery requests and answers will be permitted.

Copies of all discovery requests should be served on the Administrative Law Judges electronically only. Copies of discovery responses should be served on the Administrative Law Judges only if the response raises an objection.

Filing and Service

The electronic service of testimony was also approved. However, as noted during the conference, where the Commission rules call for filings (testimony, briefs, etc.) to be served on the Commission Secretary, an original and requisite number of copies should be served in conformance with the requirements set forth in the Commission's rules.

(SIGNED)

MICHELLE L. PHILLIPS

(SIGNED)

JEFFERY E. STOCKHOLM

**ACTIVE PARTIES LIST**  
**Case 05-M-0073 & 05-S-0074**  
**M-GBC, LLC**

**PRESIDING**

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**NYS DEPT. OF PUBLIC SERVICE**  
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