

October 3, 2005

516-780-0271

VIA FEDERAL EXPRESS

Jaclyn A. Brillling
Secretary
New York State Public Service Commission
Three Empire State Plaza
Albany, New York 12223

Re: Case Nos.05-M-0073 & Case 05-S-0074,
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

Dear Ms. Brillling:

We represent the Petitioner M-GBC, LLC in the above-referenced proceedings. During a hearing held before Administrative Law Judge Phillips on September 30, 2005, Petitioner advised that it would cancel the tariff previously filed under Case No. 05-S0074. The tariff is being cancelled because Petitioner and the Respondents- customers of the steam services have executed settlement agreements resolving their disputes, which documents were previously filed with the Commission by letter dated September 28, 2005. Accordingly, the tariff is moot.

Accordingly, enclosed please find Tariff Supplement No. 3 cancelling the tariff.

Thank you for your attention to this matter.

Sincerely,

BERKMAN, HENOCK, PETERSON & PEDDY, P.C.

(Signed)

By: _____
Leslie R. Bennett

LRB/sn

Enclosure

cc: Attached Active Parties List

Administrative Law Judge Michelle L. Phillips

Administrative Law Judge Jeffrey E. Stockholm