

VERMONT ENVIRONMENTAL BOARD
10 V.S.A. §§ 6001-6092

Re: *Burlington Broadcasters, Inc.,
d/b/a WIZN*

Declaratory Ruling # 322

CHAIR'S DISMISSAL ORDER

Title of Motion: **Motion to Withdraw**
Filed by: **Burlington Broadcasters, Inc., d/b/a WIZN**
Date Motion filed: **December 28, 2004**

Motion Granted

Motion Denied

IT IS HEREBY ORDERED:

Burlington Broadcasters, Inc., d/b/a WIZN seeks to withdraw its petition for declaratory ruling on grounds of mootness. As WIZN correctly notes, the Board recently issued a permit to WIZN and the appeal period has run. The Chair notes that the Board did not dismiss the neighbors' appeals when it granted the permit to WIZN, but this fact has no bearing on this Motion to Withdraw. WIZN has a final permit and no longer wishes to contest jurisdiction.

Because a permit has been issued, dismissal of this declaratory ruling petition will not prejudice the public interest protected by Act 250 and there is no indication that dismissal will prejudice any party. See, *Re: Marty Keene, #4C1025-EB(Revocation), Dismissal Order at 2 (Jul. 10, 2001)(citing Re: Ronald Saldi, #5W1088-1-EB, Memorandum of Decision at 3 (Oct. 1, 1996); Re Rockwell Park Associates, #5W0772-5-EB, Dismissal Order (Feb. 17, 1994); Re: H.A. Manosh Corp., Declaratory Ruling #247 (Dec. 13, 1991))*. Accordingly, this petition for declaratory ruling is DISMISSED.

Any objection to this Order shall be filed on or before **Friday, January 14, 2005**, and shall be accompanied by any request for oral argument. (See EBR 16B and 18D.) If no party files a timely objection, this matter shall be dismissed without further order.

DATED at Montpelier, Vermont this 7th day of January, 2005.

ENVIRONMENTAL BOARD

/s/Patricia Moulton Powden _____
Patricia Moulton Powden, Chair