

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

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

Declaratory Ruling # 323

CHAIR'S DISMISSAL ORDER

Title of Motion: **Motion to Withdraw**
Filed by: **NYNEX Mobile Limited Partnership 1, d/b/a Verizon
Wireless (formerly d/b/a Bell Atlantic NYNEX Mobile)**
Date Motion filed: **January 7, 2005**

Motion Granted

Motion Denied

IT IS HEREBY ORDERED:

NYNEX Mobile Limited Partnership 1, d/b/a Verizon Wireless (formerly d/b/a Bell Atlantic NYNEX Mobile) seeks to withdraw its petition for declaratory ruling on grounds of mootness. As Verizon Wireless correctly notes, the Board recently issued a permit and the appeal period has run. Verizon Wireless 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 **Wednesday, January 26, 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 18th day of January, 2005.

ENVIRONMENTAL BOARD

 /s/Patricia Moulton Powden
Patricia Moulton Powden, Chair

cc: Service List