

1 P-R-O-C-E-E-D-I-N-G-S

2 (10:07 a.m.)

3 CHAIRPERSON MILLER: The next case
4 is another Protest (Status) Hearing case, Case
5 No. 13-PRO-00112, Flash, located at 645
6 Florida Avenue, N.W., License No. 90823, in
7 ANC-1B. Good morning.

8 MR. ROME: Good morning. Scott
9 Rome on behalf of the licensee. I had
10 believed that this was dismissed. The ANC
11 members who attended the mediation orally
12 dismissed it during the mediation and said
13 that they were going to file something, but I
14 don't believe that it was filed. That's what
15 I learned last night, but they are not here,
16 so --

17 CHAIRPERSON MILLER: Correct.
18 Okay.

19 MR. ROME: -- that's for your
20 attention.

21 CHAIRPERSON MILLER: Okay. It's
22 10:08 and the hearing was called for 9:30.

1 They are not here. We don't have any
2 indication that they are coming.

3 And right, we have indication that
4 they were going to be withdrawing the protest.
5 We have not received anything, but, at this
6 point, since they are not here, I would move
7 to dismiss the protestants pursuant to 1603.3,
8 failure to appear at the status.

9 Do I have a second?

10 MEMBER BROOKS: Second.

11 CHAIRPERSON MILLER: Any other
12 comments? Okay.

13 All those in favor say aye.

14 ALL: Aye.

15 CHAIRPERSON MILLER: All those
16 opposed? All those abstaining? The motion
17 passes.

18 So the protest is dismissed then
19 at this point formally by us. Maybe it was
20 already, but I think the Board needs to do
21 that. But you have amended your application.
22 Is that correct?

1 MR. ROME: I'm not aware. I
2 really thought that this was -- that the
3 protest was dismissed, so I hadn't looked at
4 the file.

5 CHAIRPERSON MILLER: Oh, all
6 right.

7 MR. ROME: We can get you --

8 CHAIRPERSON MILLER: Okay. Okay.
9 We understood that. I have in my notes that
10 it was going to be dismissed because you had
11 come to an agreement and amended the
12 application. All right.

13 Well, because it is dismissed,
14 there is no Protest Hearing and that concludes
15 this case. Thank you.

16 MR. ROME: Thank you.

17 CHAIRPERSON MILLER: It's
18 dismissed because we only had one protestant.
19 Okay. I think that just for completeness, I
20 will move to dismiss the protest. I guess we
21 have dismissed the protestants, but the whole
22 protest is dismissed.

1 MEMBER SILVERSTEIN: Yes.

2 CHAIRPERSON MILLER: Do I have a
3 second?

4 MEMBER SILVERSTEIN: Second.

5 CHAIRPERSON MILLER: Okay. And
6 all those in favor say aye.

7 MEMBER SILVERSTEIN: Aye.

8 CHAIRPERSON MILLER: Aye.

9 MEMBER BROOKS: Aye.

10 CHAIRPERSON MILLER: All those
11 opposed?

12 MEMBER ALBERTI: I'll abstain.

13 CHAIRPERSON MILLER: Okay.

14 MEMBER ALBERTI: Because it's a
15 redundant motion.

16 CHAIRPERSON MILLER: It is. It's
17 just to be complete. I've dismissed the --
18 okay. One abstention. Then the motion passes
19 3-0-1. Okay.

20 (Whereupon, the Protest (Status)
21 Hearing was concluded at 10:11 a.m.)

22

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