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**ALBUQUERQUE-BERNALILLO COUNTY
AIR QUALITY CONTROL BOARD**

**IN THE MATTER OF THE HEARING ON
THE MERITS REGARDING THE DENIAL
OF A WOOD BURNING EXEMPTION
Michael Fulp, Petitioner**

AQCB Petition No. 2013-2

ORDER DISMISSING PETITION

This matter arose from a letter dated December 26, 2012, ("Petition") from Michael S. Fulp to the director of the City of Albuquerque Air Quality Division, stating that Mr. Fulp appealed the decision to deny his request for an exemption from the "no burn" provisions of 20.11.22 NMAC. Pursuant to my contract with the Board, I was assigned as hearing officer in this matter.

In response to the Petition, a hearing on the merits was scheduled for the regularly scheduled February 13, 2013 meeting of the Board. Mr. Fulp was notified of the hearing by letter from the Division dated January 11, 2013, and the hearing was listed on the agenda of the meeting, which was publicly available on or about February 7, 2013.

At the scheduled February 13, 2013 hearing, no person claiming to be or to represent Mr. Fulp was in attendance. The petition is therefore dismissed as a matter of default. In addition, the Divisions' authority to declare a "no burn period" expired on February 28, 2013 and will not revive until October 1, 2013, 20.11.22.13 NMAC, while any exemption issued by the division shall be for no more than 150 days. 20.11.22.2 NMAC. Therefore the petition is now moot.

For the foregoing reasons, it ORDERED that the petition in this matter is DISMISSED. The dismissal is without prejudice to any subsequent petitions.

/s/ Bill Grantham
Bill Grantham, Esq.
Hearing Officer