



LAND USE COMMISSION  
STATE OF HAWAII

2014 NOV 14 P 3:46

BEFORE THE LAND USE COMMISSION  
STATE OF HAWAII

In The Matter Of The Petition Of	)	DOCKET NO. A92-638
	)	
<b>HALEKUA DEVELOPMENT</b>	)	ORDER
<b>CORPORATION, a Hawai'i corporation</b>	)	AND
	)	CERTIFICATE OF SERVICE
	)	
To Amend the Agricultural Land Use	)	
District Boundary into the Urban Land Use	)	
District for Approximately 503.886 Acres at	)	
Waikele and Ho'ae'ae, 'Ewa, O'ahu, City	)	
and County of Honolulu, State of Hawai'i,	)	
Tax Map Key No. 9-4-02: 1, portion of 52,	)	
70 and 71	)	

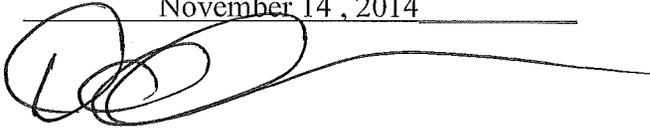
ORDER

AND

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY THAT THIS IS A TRUE AND CORRECT  
COPY OF THE DOCUMENT ON FILE IN THE OFFICE OF THE  
STATE LAND USE COMMISSION, HONOLULU, HAWAII.

Date November 14, 2014

BY 

Executive Officer



LAND USE COMMISSION  
STATE OF HAWAII

2014 NOV 14 P 3:46

BEFORE THE LAND USE COMMISSION  
STATE OF HAWAII

In The Matter Of The Petition Of	)	DOCKET NO. A92-683
	)	
<b>HALEKUA DEVELOPMENT</b>	)	ORDER APPROVING SUCCESSOR
<b>CORPORATION, a Hawai`i corporation</b>	)	PETITIONER (TO PARCEL 52)
	)	HO`OHANA SOLAR 1, LLC'S REQUEST
To Amend the Agricultural Land Use District	)	TO CONTINUE PROCEEDINGS UNTIL
Boundary into the Urban Land Use District	)	NOVEMBER 21, 2014 AND SET DATE
for Approximately 503.886 Acres at Waikele	)	FOR FILING OF ANY FURTHER
and Ho`ae`ae, `Ewa, O`ahu, City and County	)	DOCUMENTS BY ALL PARTIES PRIOR
of Honolulu, State of Hawai`i, Tax Map Key	)	TO THE NOVEMBER 21, 2014 HEARING
No. 9-4-02: 1, portion of 52, 70 and 71	)	DATE
_____	)	

ORDER APPROVING SUCCESSOR PETITIONER (TO PARCEL 52) HO`OHANA SOLAR 1, LLC'S REQUEST TO CONTINUE PROCEEDINGS UNTIL NOVEMBER 21, 2014 AND SET DATE FOR FILING OF ANY FURTHER DOCUMENTS BY ALL PARTIES PRIOR TO THE NOVEMBER 21, 2014 HEARING DATE

WHEREAS, at its scheduled hearing on November 12, 2014, Successor Petitioner (to parcel 52) Ho`ohana Solar 1, LLC (Successor Petitioner) requested and received from the Land Use Commission ("Commission"), a one-day deferral of the hearing on its Motion for Order Amending the Amended Findings of Fact, Conclusions of Law, and Decision and Order filed on October 1, 1996 ("Motion to Amend") and Motion for Order Bifurcating the Amended Findings of Fact, Conclusion of Law, and Decision and Order filed October 1, 2014 in Docket No. A92-683; based on Successor Petitioner's representation that it needed the time to meet with the State Department of Agriculture ("DOA"), the City and County of Honolulu Department of

Planning and Permitting (“County”), and the State Office of Planning (“OP”) to negotiate resolution of issues regarding compliance with conditions of the 1996 Order;

WHEREAS, at its scheduled hearing on November 13, 2014, the Commission heard from Successor Petitioner, the County, OP, and a representative for Successor Petitioners - HRT Realty, LLC; 300 Corporation; and Honolulu Limited (“HRT et.al.”) appeared for the first time; Successor Petitioner indicated that although some progress in its negotiations with DOA, the County, and OP were made, additional time was required to arrive at an agreement;

WHEREAS, Successor Petitioner requested the Commission to: (1) consolidate its two motions; and (2) allow them to begin the evidentiary portion of the proceedings with presentations by their witnesses, without cross-examination by the other parties at this time; both the County and OP had no objections to the request with the understanding that they would reserve the opportunity to cross examine Successor Petitioner’s witnesses at the next scheduled hearing; however, HRT et.al. opposed the request to continue with the proceedings based on an assertion that their interests would be prejudiced due to a lack of time to prepare their case;

WHEREAS, the Successor Petitioner then requested the Commission to continue the hearing until Friday November 21, 2014, to allow the parties to meet together and seek agreement on how to proceed, and submit written direct testimony from the expert witnesses prior to that hearing date;

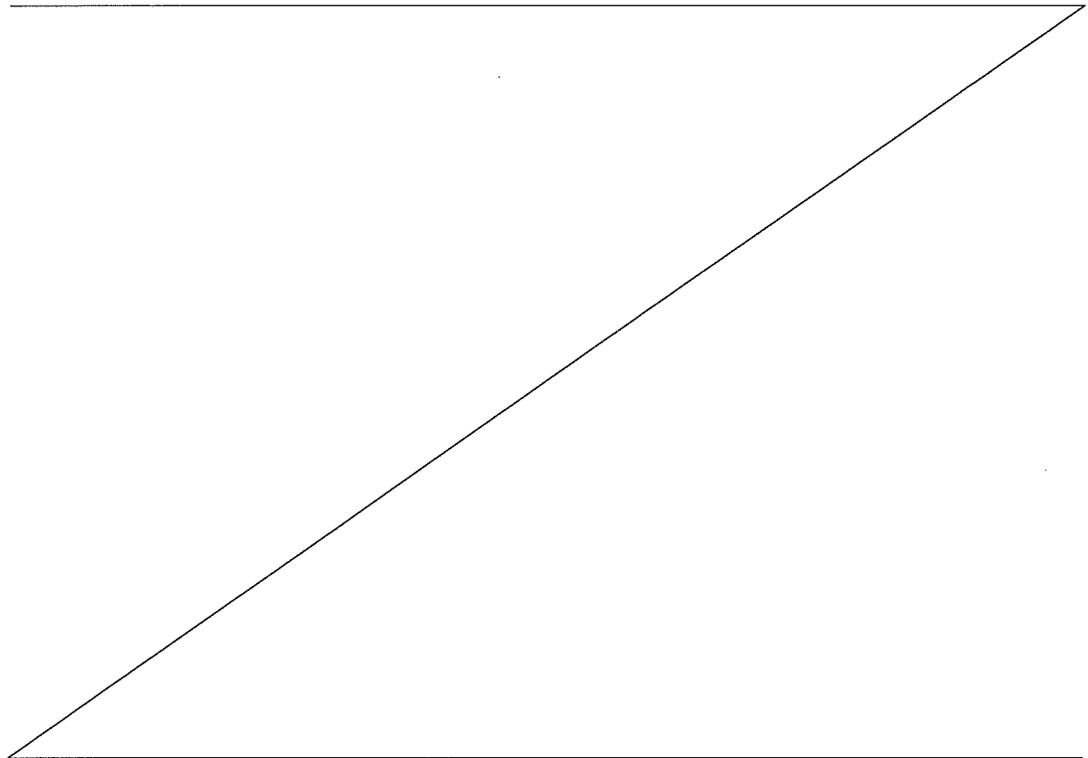
WHEREAS, it is desired to expedite the orderly conduct and disposition of this proceeding by a prompt and timely exchange of any further documents by all parties to this proceeding, including any and all successor petitioners in Docket A92-683, now therefore;

IT IS HEREBY ORDERED that no later than the close of business on Tuesday November 18, 2014, each party shall submit and serve upon all the other parties any written direct testimony of any expert witnesses, final pleadings, memoranda, position statements,

witness lists identifying all witnesses including rebuttal witnesses that will be providing testimony in support of the respective party's position, a final exhibit list identifying all exhibits including rebuttal exhibits that will be submitted in support of the respective party's position, and all exhibits identified in the aforementioned exhibit list, and any responses thereto;

IT IS FURTHER ORDERED that unless there has been a showing of good cause or the lack of significant prejudice, filings or submissions which are untimely may be stricken or rejected by the Commission at the time of the hearing; and

IT IS ALSO FURTHER ORDERED that unless there has been a showing of good cause or lack of significant prejudice, or unless otherwise ordered by this Commission, a party shall not be allowed at any continued hearing in this proceeding to submit any additional exhibits not previously identified by the date provided herein.



ADOPTION OF ORDER

This ORDER shall take effect upon the date this ORDER is certified by this

Commission.

Done at Honolulu, Hawai'i, this 14th, day of November, 2014

APPROVED AS TO FORM

LAND USE COMMISSION  
STATE OF HAWAI'I

By   
Deputy Attorney General

By   
CHAD MCDONALD  
Chairperson and Commissioner

Filed and effective on:

November 14, 2014

  
By DANIEL ORODENKER  
Executive Officer  
State Land Use Commission



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STATE OF HAWAII

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<b>HALEKUA DEVELOPMENT</b>	)	DOCKET NO. A92-683
<b>CORPORATION, a Hawai'i</b>	)	
<b>corporation</b>	)	CERTIFICATE OF SERVICE
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To Amend the Agricultural Land Use	)	
District Boundary into the Urban	)	
Land Use District for Approximately	)	
503.886 Acres at Waikele and	)	
Ho`ae`ae, `Ewa, O`ahu, City and	)	
County of Honolulu, State of Hawai`i,	)	
Tax Map Key No. 9-4-02: 1, portion of	)	
52, 70 and 71	)	

CERTIFICATE OF SERVICE

I hereby certify that a copy of the ORDER was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by regular or certified mail as noted:

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Dated: Honolulu, Hawai'i, November 14, 2014



DANIEL ORODENKER  
Executive Officer