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Attorney for Successor Petitioner
KAMEHAMEHA SCHOOLS

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAI'I

In the Matter of the Petition of

**TOM GENTRY AND GENTRY-PACIFIC,
LTD**

To Amend the Agricultural Land Use District Boundary into the Urban Land Use District for Approximately 1,395 Acres at Waiawa, 'Ewa, O'ahu, State of Hawai'i, Tax Map Key Nos.: 9-4-06: Portion of 26; 9-6-04: Portion of 1 and Portion of 16; and 9-6-05: Portion of 1, Portion of 7 and Portion of 14

DOCKET NO. A87-610

TRUSTEES OF THE ESTATE OF BERNICE PAUHI BISHOP, DBA KAMEHAMEHA SCHOOLS, MOTION FOR MODIFICATION, TIME EXTENSION, AND RELEASE AND MODIFICATION OF CONDITIONS; MEMORANDUM IN SUPPORT OF MOTION; AFFIDAVIT OF KAMUELA COBB-ADAMS; AFFIDAVIT OF DEREK B. SIMON; EXHIBITS 1 - 12; CERTIFICATE OF SERVICE

**TRUSTEES OF THE ESTATE OF BERNICE PAUHI BISHOP,
DBA KAMEHAMEHA SCHOOLS, MOTION FOR MODIFICATION,
TIME EXTENSION, AND RELEASE AND MODIFICATION OF CONDITIONS**

I. RELIEF OR ORDER SOUGHT

Successor Petitioner LANCE KEAWE WILHELM, ROBERT K.W.H. NOBRIGA, ELLIOT K. MILLS, and CRYSTAL KAUILANI ROSE, as TRUSTEES OF THE ESTATE OF BERNICE PAUHI BISHOP, dba KAMEHAMEHA SCHOOLS ("KS"), by and through its legal

counsel, CARLSMITH BALL LLP, hereby requests that the STATE OF HAWAI'I LAND USE COMMISSION issue an order modifying its *Order Granting Motion for Order Amending Findings of Fact, Conclusions of Law and Decision and Order dated May 17, 1988*, filed on November 26, 2014 (“**2014 Order**”), as amended by that certain *Findings of Fact, Conclusions of Law, and Decision and Order Granting With Modification Motion for Modification And Time Extension*, issued by the Commission on February 11, 2020 as to the Phase 2 solar farm (“**2020 Order**”), to allow for modifications to the Phase 1 solar farm authorized under the 2014 Order and the related timeframe for development of the modified solar farm. KS also respectfully requests that the Commission release two conditions of the 2014 Order that have been fully satisfied and modify eight conditions imposed under the 2014 Order to reflect updated information; no changes are requested for eight of the previously imposed conditions. The proposed releases and modifications are presented in Table 1, *infra*.

II. GROUND FOR MOTION

This Motion is made pursuant to Chapter 205, Hawai‘i Revised Statutes and §§ 15-15-70 and 15-15-94 of Title 15, Subtitle 3, Chapter 15 of the Hawai‘i Administrative Rules (“**HAR**”), the other authorities and arguments stated in the attached Memorandum in Support of Motion, and the pleadings and files herein.

Pursuant to HAR § 15-15-70(c), KS requests a hearing on this Motion.

/s/ Jennifer A. Lim

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Dated: Honolulu, Hawai‘i, December 10, 2021.