BEFORE THE LAND USE COMMISSION
STATE OF HAWAI'I

In The Matter Of The Petition Of
HAWAI'I ELECTRIC LIGHT COMPANY, INC., a Hawai'i corporation

To Amend The Conservation Land Use District Boundaries Into The Urban Land Use District For Approximately 15.643 Acres Of Land at Keahole, North Kona, Island of Hawai'i, State of Hawai'i, Tax Map Key: 7-3-49, 36 and 37.

DOCKET NO. A03-743

ORDER GRANTING MOTION FOR MODIFICATION OF CONDITION NO. 5 CONTAINED IN FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION AND ORDER ENTERED BY THE STATE LAND USE COMMISSION ON NOVEMBER 7, 2005 IN DOCKET NO. A03-743; CERTIFICATE OF SERVICE

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

In The Matter Of The Petition Of

HAWAII ELECTRIC LIGHT
COMPANY, INC., a Hawai‘i corporation

To Amend The Conservation Land Use
District Boundaries Into The Urban Land
Use District For Approximately 15.643
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On August 26, 2011, the Hawai‘i Electric Light Company, Inc. (“HELCO”) filed
a Motion for Modification of Condition No. 5 contained in the Findings of Fact, Conclusions of
Law, and Decision and Order entered by the State Land Use Commission on November 7, 2005
in Docket No. A03-743 ("Motion") pursuant to section 15-15-70(d), Hawai‘i Administrative
Rules ("HAR").

On September 12, 2011, the State Office of Planning ("OP") filed its Statement of
No Opposition to Petitioner's Motion for Modification of Condition No. 5 contained in the
Findings of Fact, Conclusions of Law, and Decision and Order entered by the State Land Use Commission on November 7, 2005 in Docket No. A03-743.

On September 13, 2011, the County of Hawaii Planning Department ("County") filed its Statement of No Objection to Petitioner’s Motion for Modification of Condition No. 5.

This Motion for Modification of Condition No. 5 was heard in Lihue, Hawaii i, on September 22, 2011. Robert Marks, Esq. and Norman Verbanic appeared on behalf of Petitioner; Bryan Yee, Esq., appeared on behalf of OP; Bobbie Jean Leithead-Todd appeared on behalf of the County of Hawaii i.

At the hearing, OP indicated that it had no opposition to HELCO’s Motion for Modification of Condition No. 5. The County of Hawaii i also had no opposition to HELCO’s Motion for Modification of Condition No. 5.

After discussion and deliberation by the Commissioners, a motion was made and seconded to grant HELCO’s Motion for Modification. There being a vote tally of 6 ayes and 3 excused, the motion carried.

This Commission, having duly considered the Motion for Modification of Condition No. 5 filed by HELCO, the arguments and representations by the parties and the record in this docket, hereby finds and concludes that HELCO has demonstrated that its position concerning the Motion for Modification of Condition No. 5. Therefore, for good cause shown,

IT IS HEREBY ORDERED that the Motion for Modification of Condition No. 5 contained in the Findings of Fact, Conclusions of Law, and Decision and Order entered by the State Land Use Commission on November 7, 2005 in Docket No. A03-743 filed by the Hawaii Electric Light Company, Inc. be GRANTED.
ADOPTION OF ORDER

The ORDER and its ADOPTION shall take effect upon the date this ORDER is certified and filed by this Commission.

DONE at Honolulu, Hawai‘i, this 3rd day of October, 2011, per motion on September 22, 2011.

APPROVED AS TO FORM

Deputy Attorney General

FILED AND EFFECTIVE ON:

10/3/2011

FILED AND EFFECTIVE ON:

10/3/2011

Executive Officer

By

NORMAND LEZY
Chairperson and Commissioner

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

In The Matter Of The Petition Of
HAWAII ELECTRIC LIGHT COMPANY, INC., a Hawai‘i corporation
To Amend The Conservation Land Use
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Use District For Approximately 15.643 Acres Of Land at Keahole, North Kona,
Island of Hawai‘i, State of Hawai‘i, Tax Map Key: 7-3-49, 36 and 37.

DOCKET NO. A06-771
CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I hereby certify that a copy of the ORDER GRANTING MOTION FOR MODIFICATION OF CONDITION NO.5 CONTAINED IN FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION AND ORDER ENTERED BY THE STATE LAND USE COMMISSION ON NOVEMBER 7, 2005 IN DOCKET NO. A03-743 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:

CERTIFIED TO
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Dated: Honolulu, Hawai‘i, 10/3/11

ORLANDO DAVIDSON
Executive Officer