

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

In the Matter of the Petition of)
NOTEPOWER LIMITED, successor to)
PALACE DEVELOPMENT CORPORATION, a)
Hawai'i corporation, and HAWAI'I)
KA'U AINA, a Hawai'i general)
partnership)
To Amend the Agricultural District)
Boundary into the Urban District)
for Approximately 900 Acres and to)
Amend the Conservation District)
Boundary into the Urban District)
for Approximately 2,420 Acres at)
Kahuku, Ka'u, Island, County, and)
State of Hawai'i, Hawai'i Tax Map)
Key Nos. 9-2-01: por. 72, por. 75,)
and por. 76)

DOCKET NO. A88-630
ORDER (RE: CONSTRUCTIVE
WITHDRAWAL)

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.

DEC 13 1995 by *[Signature]*
Date Executive Officer

ORDER (RE: CONSTRUCTIVE WITHDRAWAL)

DEC 13 8 27 AM '95
LAND USE COMMISSION
STATE OF HAWAII

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

In the Matter of the Petition of)	DOCKET NO. A88-630
NOTEPOWER LIMITED, successor to)	
PALACE DEVELOPMENT CORPORATION, a)	ORDER (RE: CONSTRUCTIVE
Hawai'i corporation, and HAWAI'I)	WITHDRAWAL)
KA'U AINA, a Hawai'i general)	
partnership)	
)	
To Amend the Agricultural District)	
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Amend the Conservation District)	
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for Approximately 2,420 Acres at)	
Kahuku, Ka'u, Island, County, and)	
State of Hawai'i, Hawai'i Tax Map)	
Key Nos. 9-2-01: por. 72, por. 75,)	
and por. 76)	

ORDER (RE: CONSTRUCTIVE WITHDRAWAL)

At its meeting on November 30, 1995, in Kailua-Kona, Hawai'i, this Commission admitted into the record a letter from Dean H. Robb, Esq., counsel to Notepower Limited ("Notepower"), dated November 28, 1995, stating that Notepower has no current plans regarding the development of a marina or the development of the subject property in general, that it does not plan to present evidence, call witnesses, or conduct cross-examination, and that Notepower will not participate in the November 30, 1995, meeting. No representative of Notepower was present at the November 30, 1995, meeting.

This Commission, having considered the entire record in this matter, upon its own motion,

HEREBY ORDERS a constructive withdrawal by Notepower in the above-entitled docket.

IT IS FURTHER ORDERED that Petitioners shall be subject to the requirements of section 15-15-76, Hawai'i Administrative Rules, and that the property which is the subject of this docket shall remain in the State Land Use Agricultural and Conservation Districts.

Dated: Honolulu, Hawai'i, December 13, 1995.

LAND USE COMMISSION
STATE OF HAWAI'I

By *Allen K. Hoe*
ALLEN K. HOE
Chairman and Commissioner

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

In the Matter of the Petition of)	DOCKET NO. A88-630
)	
NOTEPOWER LIMITED, successor to)	CERTIFICATE OF SERVICE
PALACE DEVELOPMENT CORPORATION, a)	
Hawai'i corporation, and HAWAI'I)	
KA'U AINA, a Hawai'i general)	
partnership)	
)	
To Amend the Agricultural District)	
Boundary into the Urban District)	
for Approximately 900 Acres and to)	
Amend the Conservation District)	
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for Approximately 2,420 Acres at)	
Kahuku, Ka'u, Island, County, and)	
State of Hawai'i, Hawai'i Tax Map)	
Key Nos. 9-2-01: por. 72, por. 75,)	
and por. 76)	

CERTIFICATE OF SERVICE

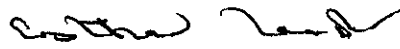
I hereby certify that a copy of the Order (Re: Constructive Withdrawal) was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by certified mail:

- CERT. GREGORY G.Y. PAI, PH.D., Director
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- CERT. VIRGINIA GOLDSTEIN, Planning Director
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CERT. ALAN MURAKAMI, ESQ., Attorney for Intervenor
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Native Hawaiian Legal Corporation
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CERT. GLEN WINTERBOTTOM, Intervenor
P. O. Box 109
Naalehu, Hawaii 96772

DATED: Honolulu, Hawaii, this 13th day of December 1995.



ESTHER UEDA
Executive Officer