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

ORDER (RE: CONSTRUCTIVE WITHDRAWAL)

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

In the Matter of the Petition of )
NOTEPOWER LIMITED, successor to ) DOCKET NO. A88-630
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 )
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 Hawaii, Hawaii 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, Hawaii, 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.


LAND USE COMMISSION
STATE OF HAWAI‘I

By ALLEN K. HOE
Chairman and Commissioner
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 )
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State of Hawai'i, Hawai'i Tax Map )
Key Nos. 9-2-01: por. 72, por. 75, )
and por. 76 )

DOCKET NO. A88-630

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:

GREGORY G.Y. PAI, PH.D., Director )
Office of State Planning )
P. O. Box 3540 )
Honolulu, Hawaii 96811-3540 )

VIRGINIA GOLDSTEIN, Planning Director )
Planning Department, County of Hawaii )
25 Aupuni Street )
Hilo, Hawaii 96720 )

DEAN ROBB, ESQ., Attorney for Petitioner )
Carlsmith, Ball, Wichman, Case & Ichiki )
Pacific Tower, Suite 2200 )
1001 Bishop Street )
P. O. Box 656 )
Honolulu, Hawaii 96809-3402 )

THOMAS A. BODDEN )
Hawaii Ka' u Aina )
24 North Church Street, Suite 200 )
Wailuku, Hawaii 96793 )
ALAN MURAKAMI, ESQ., Attorney for Intervenor
Pa'apono Miloli'i, Inc.
Native Hawaiian Legal Corporation

CERT. 1164 Bishop Street, Suite 1205
Honolulu, Hawaii  96813

GLEN WINTERBOTTOM, Intervenor
CERT. P. O. Box 109
Naalehu, Hawaii  96772

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

ESTHER UEDA
Executive Officer