

ORIGINAL



BEFORE THE LAND USE COMMISSION
STATE OF HAWAII

In the matter of the Petition of

BRIDGE AINA LE'A, LLC
& BANTER, INC.
fka Puako Hawai'i Properties

To Amend The Agricultural Land Use
District Boundary into the Urban Land
Use District For Approximately 1,060
Acres of Land Situated at Waikoloa,
South Kohala, Island, County and State
of Hawai'i, Tax Map Key Nos.: 6-8-001:
portion of 25, portion of 36, portion of 37,
portion of 38, portion of 40.

DOCKET NO. A87-617

ORDER GRANTING MOTION TO
CHANGE PETITIONER AND
AMEND CAPTION

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On December 20, 2006, BRIDGE AINA LE'A, LLC ("Movant"), filed a Motion To Change Petitioner and Amend Caption ("Motion") pursuant to section 15-15-70, Hawai'i Administrative Rules ("HAR"). A Memorandum In Support Of Motion and Exhibit "A" were attached to the Motion.

On December 28, 2006, the State Office of Planning ("OP") filed its Statement Of No Opposition To Bridge Aina Le'a, LLC's Motion To Change Petitioner and Amend Caption Filed December 20, 2006.

On August 25, 2005, Bridge Aina Le'a, LLC and Banter, Inc. filed a motion with the Land Use Commission ("Commission") to change petitioner and amend the caption to reflect the then-ownership of the Petition Area in Bridge Aina Le'a, LLC and Banter, Inc. The Commission granted that motion on September 8, 2005. By undated Warranty Deed recorded in the Bureau of Conveyances of the State of Hawaii on December 6, 2006 as Document No. 2005-248788 (Exhibit "A"), Banter, Inc. conveyed its interest in the Petition Area to the Movant.

The Commission considered the Motion at its meeting on January 4, 2007, in Honolulu, Hawai'i. A. Bernard Bays, Esq., and Michael Carroll, Esq., appeared on behalf of the Movant. Bobby-Jean Liethead-Todd, Esq. and Norman Hayashi appeared on behalf of the County of Hawaii Planning Department ("County"). Bryan C. Yee, Esq. and Abe Mitsuda appeared on behalf of the OP.

The Movant stated that the purpose of the Motion is to reflect that the portion of the Petition Area that was held by Banter, Inc. has been transferred back to Bridge Aina Le'a, LLC so that Movant is the current sole Petitioner in this docket. The County and the OP had no objections to the Motion.

Thereafter, a motion was made and seconded to grant the Motion. Following discussion by the Commissioners, a vote was taken on this motion. There being a vote tally of 6 ayes and 3 absent, the motion carried.

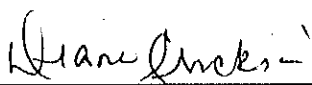
ORDER

Having duly considered the Movant's Motion, the oral and written arguments by the parties in this proceeding, and a motion having been made at a meeting conducted on January 4, 2007, in Honolulu, Hawai'i, and the motion having received the affirmative votes required by section 15-15-13, HAR, and there being good cause for the motion, this Commission ORDERS that Movant's Motion is GRANTED. Accordingly, the caption in the above-entitled docket shall hereafter be amended to identify the Movant as the Petitioner.


This ORDER shall take effect upon the date this ORDER is certified and filed by this Commission.

Done at Honolulu, Hawai'i, this 17th day of September, 2008, per motion on January 4, 2007.

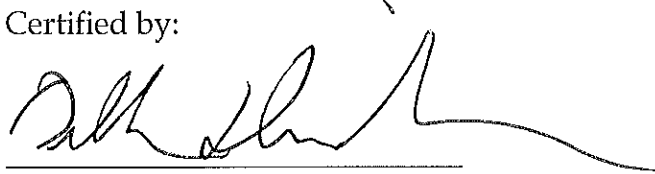
APPROVED AS TO FORM


Deputy Attorney General

LAND USE COMMISSION
STATE OF HAWAII

By 
DUANE KANUHA
Chair

Filed and effective on:
SEP 17 2008

Certified by:

Executive Officer

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In The Matter Of The Petition Of

BRIDGE AINA LE'A, LLC
& BANTER, INC.
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CERTIFICATE OF SERVICE

To Amend The Agricultural Land Use District Boundary into the Urban Land Use District For Approximately 1,060 Acres of Land Situated at Waikoloa, South Kohala, Island, County and State of Hawai'i, Tax Map Key Nos.: 6-8-001: portion of 25, portion of 36, portion of 37, portion of 38, portion of 40.

I hereby certify that a copy of the ORDER GRANTING MOTION TO CHANGE PETITIONER AND AMEND CAPTION 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:

DEL. ABBEY MAYER, Director
 Office of Planning
 P. O. Box 2359
 Honolulu, Hawaii 96804-2359

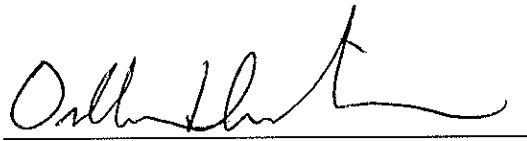
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CERT.: ERIC MAEHARA, Esq.
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Honolulu, Hawaii 96826

Dated: Honolulu, Hawaii, SEP 17 2008.



ORLANDO DAVIDSON
Executive Officer