

CARLSMITH BALL LLP

STEVEN S. C. LIM 2505
JENNIFER A. BENCK 8357
PUANANIONAONA P. THOENE 10005
ASB TOWER
1001 Bishop Street, Suite 2100
Honolulu, Hawai'i 96813
Tel No. 808.523.2500
Fax No. 808.523.0842

Attorneys for Successor Petitioner (To Parcel 52)
HO'OHANA SOLAR 1, LLC

LAND USE COMMISSION
STATE OF HAWAII
2014 OCT 22 A 11: 15

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

In the Matter of the Petition of

HALEKUA DEVELOPMENT
CORPORATION, a Hawai'i corporation

To Amend the Agricultural Land Use District
Boundary into the Urban Land Use District for
Approximately 503.886 Acres at Waikele and
Ho'ae'ae, 'Ewa, O'ahu, City and County of
Honolulu, State of Hawai'i, Tax Map Key No.
9-4-02: 1, portion of 52, 70 and 71

DOCKET NO. A92-683

SECOND STIPULATION OF THE
PARTIES SETTING FORTH FILING
SCHEDULE; CERTIFICATE OF
SERVICE

**SECOND STIPULATION OF THE PARTIES SETTING FORTH FILING SCHEDULE
FOR MOTION TO AMEND IN DOCKET NO. A92-683**

On August 11, 2014 Successor Petitioner to Parcel 52 HO'OHANA SOLAR 1, LLC (hereinafter "**Ho'ohana**" or "**Successor Petitioner**") filed with the Commission a Motion to Amend the Findings of Fact, Conclusions of Law, and Decision and Order in Docket No. A92-683 and Successor Petitioner's Exhibits 1 - 16 (hereinafter the "**Motion to Amend**"), requesting the Commission recognize Ho'ohana as the Successor Petitioner to Parcel 52 in this Docket, that the Commission issue an order modifying the Commission's *Findings of Fact, Conclusions of Law, and Decision and Order* dated October 1, 1996, as amended, to expressly authorize the use of portions of the property subject to this Docket for solar farm development for an interim

period of time, and that the Commission delete Condition No. 21, requiring the Commission's prior approval to change the ownership interest in the Petition Area, or in the alternative, to approve the proposed lease of Parcel 52 pursuant to the requirements of Condition No. 21.

Ho'ohana, the City and County of Honolulu Department of Planning and Permitting ("DPP") and the State of Hawai'i by its Office of Planning ("OP"), as parties to the Motion to Amend, stipulated and agreed to the filing schedule set forth in the *First Stipulation of the Parties Setting Forth Filing Schedule* (the "**First Stipulation**"), filed with the Commission on September 19, 2014.

Pursuant to the First Stipulation, on October 8, 2014, Ho'ohana filed with the Commission *Successor Petitioner's First List of Exhibits; Successor Petitioner's Exhibits 17-22; and Successor Petitioner's First List of Witnesses*.

On October 6, 2014, DPP filed with the Commission *The Department of Planning and Permitting's Response to the Motion by Ho [o]haha Solar 1, LLC to Amend the Decision and Order Regarding Docket No. A92-683, Halekua Development Corporation*.

On October 8, 2014, OP filed with the Commission *Office of Planning's Response to Ho'ohana Solar 1, LLC's Motion for Order Amending the Findings of Fact, Conclusions of Law, and Decision and Order Dated October 1, 1996; Exhibits 1-8; and Certificate of Service*.

Pursuant to the First Stipulation, Ho'ohana, OP and DPP had agreed that Ho'ohana, OP and DPP would file any additional legal memoranda, exhibits/rebuttal exhibits, and a list of rebuttal witnesses, if any, by October 17, 2014. Subsequent to the filing of the First Stipulation, Ho'ohana, OP and DPP agreed to extend the October 17, 2014 filing date, as set forth herein.

To further facilitate the procedural aspects of the Motion to Amend as to Parcel 52, pursuant to Hawai'i Administrative Rules ("**HAR**") §§ 15-15-42 and 15-15-70, Ho'ohana, as Successor Petitioner to Parcel 52, by its attorney Steven S.C. Lim, DPP, by its attorney Don S. Kitaoka, Esq., and OP, by its attorney Deputy Attorney General Bryan C. Yee, Esq., hereby agree and stipulate to the revised filing schedule as follows:

1. Successor Petitioner shall file its Motion for Order Bifurcating Docket A92-683 as to

Parcel 52 (the "**Motion to Bifurcate**"), any additional legal memoranda, exhibits/rebuttal exhibits, and a list of rebuttal witnesses, if any, for the Motion to Amend and the Motion to Bifurcate by October 22, 2014.

2. OP and DPP shall each file a Response to the Motion for Order Bifurcating Docket No. A92-683 as to Parcel 52, any additional legal memoranda, exhibits/rebuttal exhibits, and a list of rebuttal witnesses, if any, for the Motion to Amend and the Motion to Bifurcate by November 5, 2014.

The Commission is anticipated to hold a hearing on this Motion to Amend on November 12-13, 2014.

The parties hereto agree that this Stipulation may be executed in counterparts, each of which shall be deemed an original, and said counterparts shall together constitute one and the same instrument, binding all of the parties hereto, notwithstanding all of the parties are not signatory to the original of the same counterparts.

For all purposes, including without limitation, recordation, filing and delivery of this instrument, duplicate unexecuted and unacknowledged pages of the counterparts may be discarded and the remaining pages assembled as one document.

SO STIPULATED:

HO'OHANA SOLAR 1, LLC, Successor
Petitioner to Parcel 52

BY:  _____

STEVEN S.C. LIM
CARLSMITH BALL LLP

ITS: Attorney

DATED: Honolulu, Hawai'i October 16,
2014

STATE OF HAWAII OFFICE OF
PLANNING

BY: _____

BRYAN C. YEE

ITS: Deputy Attorney General

DATED: Honolulu, Hawai'i October ____,
2014

DEPARTMENT OF PLANNING AND
PERMITTING, CITY AND COUNTY OF
HONOLULU

BY: _____


DON S. KITAOKA

ITS: Deputy Corporation Counsel

DATED: Honolulu, Hawai'i October ____,
2014

SO STIPULATED:

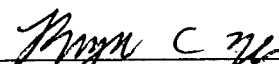
HO'OHANA SOLAR 1, LLC, Successor
Petitioner to Parcel 52

BY: 

STEVEN S.C. LIM
CARLSMITH BALL LLP

ITS: Attorney
DATED: Honolulu, Hawai'i October 16,
2014

STATE OF HAWAII OFFICE OF
PLANNING

BY: 

BRYAN C. YEE

ITS: Deputy Attorney General
DATED: Honolulu, Hawai'i October 17,
2014

DEPARTMENT OF PLANNING AND
PERMITTING, CITY AND COUNTY OF
HONOLULU

BY: _____
DON S. KITAOKA

ITS: Deputy Corporation Counsel
DATED: Honolulu, Hawai'i October ____,
2014

SO STIPULATED:

HO'OHANA SOLAR 1, LLC, Successor
Petitioner to Parcel 52

BY:  _____

STEVEN S.C. LIM
CARLSMITH BALL LLP

ITS: Attorney

DATED: Honolulu, Hawai'i October 16,
2014

STATE OF HAWAII OFFICE OF
PLANNING

BY: _____

BRYAN C. YEE

ITS: Deputy Attorney General

DATED: Honolulu, Hawai'i October ____,
2014

DEPARTMENT OF PLANNING AND
PERMITTING, CITY AND COUNTY OF
HONOLULU

BY:  _____

DON S. KITAOKA

ITS: Deputy Corporation Counsel

DATED: Honolulu, Hawai'i October 20,
2014

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAI'I

To Amend the Agricultural In the Matter of the
Petition of

HALEKUA DEVELOPMENT
CORPORATION, a Hawai'i corporation

To Amend the Agricultural Land Use District
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DOCKET NO. A92-683

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I hereby certify that due service of a copy of the foregoing was served upon the following
by hand delivery or by U.S. Mail, postage prepaid, on October 22, 2014, addressed to:

HAND DELIVERY	LEO R. ASUNCION, JR., Acting Director Office of Planning State Office Tower, 6th Floor 235 South Beretania Street Honolulu, Hawai'i 96813
HAND DELIVERY	DAVID M. LOUIE, Esq. BRYAN C. YEE, Esq. Deputy Attorney General Commerce and Economic Development Department of the Attorney General 425 Queen Street Honolulu, Hawai'i 96813
HAND DELIVERY	GEORGE I. ATTA, Director Department of Planning and Permitting City and County of Honolulu 650 South King Street, 7th Floor Honolulu, Hawai'i 96813

HAND DELIVERY	DONNA Y.L. LEONG, Esq. DON S. KITAOKA, Esq. RICHARD LEWALLEN, Esq. Deputy Corporation Counsel Department of the Corporation Counsel Honolulu Hale 530 South King Street, Room 110 Honolulu, Hawai'i 96813
U.S. MAIL	ROBINSON KUNIA LAND LLC c/o RUSH MOORE LLP ATTN: MR. STEPHEN K.C. MAU, ESQ. Pacific Guardian Center, Mauka Tower 737 Bishop Street, Suite 2400 Honolulu, HI 96813
U.S. MAIL	FOREST CITY SUSTAINABLE RESOURCES, LLC ATTN: ANN BOUSLOG 5173 Nimitz Road Honolulu, HI 96818
U.S. MAIL	HANWHA Q CELLS USA CORP. ATTN: LAURENCE GREEN 8001 Irvine Center Drive, Suite 1250 Irvine, CA 92618
U.S. MAIL	HALEKUA DEVELOPMENT CORPORATION ATTN: THE HORITA GROUP, INC. MR. JOSHUA HORITA 98-150 Kaonohi Street B128 Aiea, HI 96701
U.S. MAIL	CANPARTNERS IV ROYAL KUNIA PROPERTY LLC c/o MATSUBARA – KOTAKE ATTN: MR. WYETH M. MATSUBARA, ESQ. 888 Mililani Street, 8th Floor Honolulu, HI 96813
U.S. MAIL	HRT REALTY, LLC c/o LAW OFFICES OF REUBEN WONG ATTN: MR. DELWYN H.W. WONG 1164 Bishop Street, Suite 1006 Honolulu, HI 96813
U.S. MAIL	300 CORPORATION c/o LAW OFFICES OF REUBEN WONG ATTN: MR. DELWYN H.W. WONG 1164 Bishop Street, Suite 1006 Honolulu, HI 96813

U.S. MAIL	HONOLULU LIMITED c/o LAW OFFICES OF REUBEN WONG ATTN: MR. DELWYN H.W. WONG 1164 Bishop Street, Suite 1006 Honolulu, HI 96813
U.S. MAIL	RKES, LLC ATTN: PATRICK K. KOBAYASHI 1288 Ala Moana Boulevard, Suite 201 Honolulu, HI 96814



STEVEN S.C. LIM
 JENNIFER A. BENCK
 PUANANIONAONA P. THOENE

Attorneys for Successor Petitioner to Parcel 52
HO'OHANA SOLAR 1, LLC

Dated: Honolulu, Hawai'i, October 22, 2014