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LAND USE COMMISSION
STATE OF HAWAII

2015 FEB 27 P 3: 22

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OUR REFERENCE NO.:
067337-00001

February 27, 2015

VIA HAND DELIVERY

Chad McDonald
Chair, State of Hawai'i Land Use Commission
c/o Daniel E. Orodener, Executive Officer
State Office Tower
Leiopapa A Kamehameha Building
235 South Beretania Street, Room 406
Honolulu, Hawai'i 96813

Re: SP15-405 – Applicant Waiawa PV, LLC - Change of Name

Dear Chair McDonald and Members of the Land Use Commission:

This firm represents the Applicant in the above referenced Docket. This letter is to inform the State of Hawai'i Land Use Commission (the "**Commission**") that the Applicant, Waiawa PV, LLC, has changed its name to Waipio PV, LLC.

Applicant continues to be a Delaware limited liability company. On January 26, 2015, Applicant filed a Certificate of Amendment with the Secretary of State of the State of Delaware to change its name to Waipio PV, LLC. The Certificate of Amendment was authenticated by the Secretary of State of Delaware on February 5, 2015, and a copy was filed with the State of Hawaii, Department of Commerce and Consumer Affairs on February 5, 2015. A true and correct copy of the authenticated Certificate of Amendment is enclosed.

Pursuant to Hawai'i Administrative Rules ("**HAR**") § 15-15-63(k), Applicant respectfully asks that the Commission take official notice of this name change and that all future references to Applicant shall be indicated as Waipio PV, LLC.

HAR § 15-15-63(k) provides that:

The Commission may take official notice of matters as may be judicially noticed by the courts of the State of Hawai'i. Official notice may also be taken of generally recognized technical or scientific facts within the commission's specialized knowledge

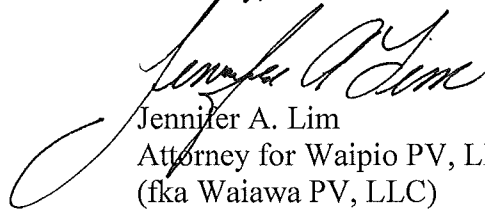
when parties are given notice either before or during the hearing so noticed and afforded the opportunity to contest the facts so noticed.

Hawai'i Rules of Evidence Rule 201 provides that Hawai'i courts may take judicial notice of a fact that is "not subject to reasonable dispute in that it is either (1) generally known within the territorial jurisdiction of the trial court, or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned." HRE Rule 201(f) provides that "Judicial notice may be taken **at any stage of the proceeding.**" (emphasis added).

We recognize that the evidentiary portion of the proceedings in this Special Permit matter is closed. We therefore respectfully request that the Commission take official notice of the name change pursuant to the Commission's authority under HAR §15-15-63(k).

Thank you for your consideration of this request.

Sincerely,



Jennifer A. Lim
Attorney for Waipio PV, LLC
(fka Waiawa PV, LLC)

JAB1/PPT

Enclosure(s)

cc: George I. Atta, Director, Department of Planning and Permitting, City and County of Honolulu, c/o Kathy Sokugawa

Raymond Young, Department of Planning and Permitting, City and County of Honolulu

Richard Lewallen, Esq., Deputy Corporation Counsel, Department of the Corporation Counsel

Planning Commission, Department of Planning and Permitting

Leo R. Asuncion, Jr., Acting Director, State of Hawai'i Office of Planning

Bryan C. Yee, Esq., Deputy Attorney General, Department of the Attorney General

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FILED 02/05/2015 03:46 PM
Business Registration Division
DEPT. OF COMMERCE AND
CONSUMER AFFAIRS
State of Hawaii



Delaware

The First State

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LAND USE COMMISSION
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02/06/201520008

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THAT THE SAID "WAIAWA PV, LLC", FILED A CERTIFICATE OF AMENDMENT, CHANGING ITS NAME TO "WAIPIO PV, LLC", THE TWENTY-SIXTH DAY OF JANUARY, A.D. 2015, AT 4:17 O'CLOCK P.M.

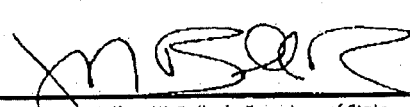
AND I DO HEREBY FURTHER CERTIFY THAT THE AFORESAID LIMITED LIABILITY COMPANY IS DULY FORMED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL EXISTENCE NOT HAVING BEEN CANCELLED OR DISSOLVED SO FAR AS THE RECORDS OF THIS OFFICE SHOW AND IS DULY AUTHORIZED TO TRANSACT BUSINESS.

5297978 8320

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You may verify this certificate online
at corp.delaware.gov/authvar.shtml




Jeffrey W. Bullock, Secretary of State
AUTHENTICATION: 2098463

DATE: 02-05-15