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DEPT OF PLANNING  
AND PERMITTING  
CITY & COUNTY OF HONOLULU

Attorneys for Applicant  
WAIAWA PV, LLC

BEFORE THE PLANNING COMMISSION  
OF THE CITY AND COUNTY OF HONOLULU  
STATE OF HAWAII

**In the Matter of the Application of  
WAIAWA PV, LLC**

For a New Special Use Permit To Allow  
Development of a 47-megawatt photovoltaic  
(PV) Energy Generation Facility and  
Accessory Uses and Structures On  
Approximately 308.8 Acres of Land Within the  
State Land Use Agricultural District at Waipio,  
Ewa, Oahu, Hawaii Tax Map Key No. (1) 9-5-  
003: Portion of Parcel 004

FILE NO. 2014/SUP-3 (RY)

APPLICANT'S EXCEPTIONS TO THE  
DEPARTMENT OF PLANNING AND  
PERMITTING OF THE CITY AND  
COUNTY OF HONOLULU'S FINDINGS  
OF FACT, CONCLUSIONS OF LAW, AND  
RECOMMENDATION DATED  
DECEMBER 30, 2014; CERTIFICATE OF  
SERVICE

APPLICANT'S EXCEPTIONS TO THE DEPARTMENT OF PLANNING AND  
PERMITTING OF THE CITY AND COUNTY OF HONOLULU'S FINDINGS OF FACT,  
CONCLUSIONS OF LAW, AND RECOMMENDATION DATED DECEMBER 30, 2014

Applicant Waiawa PV, LLC ("**Applicant**") submits the following exceptions to the  
Department of Planning and Permitting of the City and County of Honolulu's ("**DPP**") Findings  
of Fact, Conclusions of Law, and Recommendation, issued December 30, 2014 ("**DPP**  
**Recommendation**"). Applicant respectfully submits these exceptions under § 2-46, Rules of the

Planning Commission, City and County of Honolulu ("RPC"), subchapter 4, Rules Applicable to State Special Use Permits, and Hawaii Revised Statutes ("HRS") §§ 91-9 and 91-12.

The findings and conclusions in the DPP Recommendation are overwhelmingly correct and, with the few revisions set forth herein, should be adopted by the Planning Commission of the City and County of Honolulu ("**Planning Commission**"). Many of the conditions in the DPP Recommendation are appropriate, but Applicant believes certain revisions are necessary in order to clarify the requirements and provide consistency with the record in this matter. Except as specifically noted, Applicant submits these Exceptions purely to supplement the DPP Recommendation to more fully and clearly reflect the proceedings, rather than to substantially modify or reverse the determinations.

## **I. APPLICATION**

Applicant suggests the following revisions to Section I (Application) of the DPP Recommendation (Applicant's additions are noted by underscore; Applicant's deletions are in brackets [ ]).

1. AREA OF SPECIAL USE AND SITE PLAN: Approximately 308.8 [313] acres (Exhibit 2).
2. IMPORTANT AGRICULTURAL LANDS: The Petition Area is not classified as Important Agricultural Land under Part III of HRS chapter 205.

## **II. FINDINGS OF FACT**

Applicant suggests the following revisions to Section II (Findings of Fact) included in the DPP Recommendation (Applicant's additions are noted by underscore; Applicant's deletions are in brackets [ ]).

1. The deadline for petitions for intervention was December 1, 2014, and no petitions were filed with the Planning Commission.
2. (DPP Recommendation at p. 3). Access to the site is via a private agricultural road known as Plantation Road [Pineapple Road], which connects to Ka Uka Boulevard. Plantation Road later transitions to Pineapple Road, which crosses H-2 via an

overpass, [and leads to the Petition Area's eastern boundary]. [See Applicant's Ex. 13] There is no public access to the site.

3. Renewables Land Holdings, LLC, which, like the Applicant, Waiawa PV LLC, is an affiliate of First Wind, acquired the Petition Area in fee simple along with associated access rights from Castle & Cooke Homes Hawaii, Inc. on December 23, 2014. Renewables Land Holdings, LLC provided a written Fee Owner's Letter of Authorization to allow the Applicant to pursue the SUP, consistent with the requirements under Hawaii Administrative Rules ("HAR") Section 15-15-95(a), dated December 23, 2014. [See Applicant's Ex. 25; See Applicant's Ex. 26] [First Wind has an option to purchase the Petition Area and associated access across Pineapple Road.]

4. (DPP Recommendation at p. 6). Note: Additional information submitted on December 15, 2014, by the Applicant relating to Federal Aviation Administration requirements, Ka Paakai discussion, civil considerations, magnetic fields and audible noise, and construction traffic assessment, was accepted into the record by the Planning Commission at its hearing of December 17, 2014. Specifically, on December 15, 2014, Applicant filed with the Planning Commission Applicant's First List of Witnesses; First List of Exhibits; Exhibits "1" - "23"; Certificate of Service, said Exhibits were accepted into the record by the Planning Commission on December 17, 2014. In addition, on December 29, 2014, Applicant filed its Second List of Exhibits and Exhibits "24" – "26" (graphic depiction of the SUP Petition Area, executed Fee Owner's Letter of Authorization dated December 23, 2014 and copies of recorded deeds evidencing ownership of the SUP Petition Area held by Renewables Land Holdings, LLC).

5. On December 17, 2014, at approximately 1:30 p.m. the Planning Commission held a public hearing on the Application at the Mission Memorial Conference Room, Mission Memorial Building, 550 South King Street, Honolulu, Hawaii. Entering appearances for the Applicant were Jennifer A. Lim, Esq. and Puananionaona P. Thoene, Esq., of Carlsmith Ball LLP. The Planning Commission allowed the Applicant to put on evidence in the form of the Application and Exhibits filed, including written direct testimony, and through oral testimony of the following witnesses: (i) Wren Wescoatt, development director for First Wind;

(ii) Jed Dailey, vice president of construction for First Wind; (iii) Tom Siegel, vice president of transmission for First Wind; (iv) Dave Cowan, head of environmental affairs for First Wind; (v) Bob Rechtman, vice president of ASM Affiliates; (vi) Paul Luersen, senior land use and environmental planner at CH2M Hill; (vii) Paul Matsuda, director of civil engineering at Group 70 International; and (viii) Crystal Kua, director of external affairs for First Wind.

6. Oral public testimony in support of the Project was given by Cruz Vina, chairperson for the Pearl City Neighborhood Board. [C.Vina, Tr. 12/22/14, 57:18-58:9]

7. At the hearing on December 17, 2014, DPP committed to and the Planning Commission confirmed that DPP would transmit the full record, including the transcript of the Planning Commission proceedings and the Planning Commission's decision, to the State of Hawaii Land Use ("SLU") Commission, and ensure acceptance of the full record by the LUC, by January 31, 2015. [K. Sokugawa, Tr. 12/17/14, 65:25 – 66:19]

8. By e-mail dated December 18, 2014, the SLU Commission Executive Officer Daniel Orodenker wrote to Ms. Lim with copy to Planning Department Director George Atta; Gloria Takara, DPP; Kathy Sokugawa, DPP; Raymond Young, DPP; Deputy Corporation Counsel Winston Wong, Esq.; Scott Derrickson and Riley Hakoda (SLU Commission staff); Deputy Attorney General Bryan Yee; and Rodney Funakoshi, State Office of Planning, that the Planning Department must provide the SLU Commission with a complete record *before* January 31, 2014 in order for the matter to be heard by the SLU Commission in the first week of March 2015. Mr. Orodenker noted that any delay in transmission of the complete record to the SLU Commission will result in the hearing date also being delayed.

### III. ANALYSIS

Applicant suggests the following revisions to Section III (Analysis) in the DPP Recommendation. (Applicant's additions are noted by underscore; Applicant's deletions are in brackets [ ]).

1. (DPP Recommendation at p. 8). The Project and its accessory uses and structures occupy approximately 308.8 acres [313 acres], which is about 60 percent of the

parcel's land area, which is almost wholly rated as Class B lands by the LSB. Thus, a SUP is required.

2. (DPP Recommendation at p. 8). The proposed Project is not contrary to the objectives sought to be accomplished by the SLU Law and regulations. The proposal may be considered an unusual but reasonable use of agricultural lands. Under current technology, utility scale PV facilities utilize solar panels to collect and distribute generated energy require large amounts of relatively gentle terrain, sited in close proximity to an existing electrical grid. The site was formally used for pineapple cultivation and is currently in pasture use. The Applicant proposes to continue agricultural use of the site by making available the area under the PV panels for sheep pasturage or other compatible agricultural activities, as defined under HRS Section 205-4.5(a)(1)-(3). [and] [t]he Applicant submitted a Letter of Intent between the Applicant and Tin Roof Ranch to pasture sheep on the property. The sheep will be beneficial to the Project for vegetation control and provide a food source in compliance with the intent of Act 55.

[Applicant's Ex. 14]

3. (DPP Recommendation at p. 8). Currently, the Planning Commission and the SLU Commission have no rules to implement the provisions of Act 55. Such rules would better define and implement the intent of Act 55 and perhaps clarify what lands are to be made available for compatible agricultural use. On its face value, the statutory provision requiring that lands occupied by the SEF be made available for compatible agriculture, cannot be fully met as the substation, switchyard, communications building, and other accessory structures, cannot be used for compatible agriculture because the lands occupied by these structures would be completely built upon. Thus, compatible agricultural activities on these relatively small portions of the Petition Area are not possible or practical. [To address this, the Director of the Department of Planning and Permitting (DPP) recommends that the Applicant submit an agricultural site plan showing the area set aside for compatible agricultural use, as a condition of SUP approval.]

Bracketed language above is proposed for deletion as inconsistent with the recommended conditions of approval, and with the express requirements of Act 55.

4. (DPP Recommendation at p. 9). According to Act 55, proof of financial security is to be "provided to the satisfaction of the appropriate county planning commission

prior to date of commencement of commercial generation." Therefore, the Planning Commission is being required to determine whether the proof of financial security submitted by the Applicant, and each subsequent owner, satisfies the intent of Act 55. As there are no rules to implement this provision of Act 55, prior to the start of commercial operation of the solar farm, the Applicant shall submit to the DPP proof of financial security, such as a posted letter of credit or similar mechanism from a creditworthy financial institution, in favor of the owner of the land subject to the SUP, in the amount of FOUR MILLION AND NO/100 DOLLARS (\$4,000,000), which security shall remain in place for the duration of the operation of the Project, with evidence of same provided to the Director of the DPP on an annual basis, to decommission the Project and restore the Petition Area to substantially the same physical condition as existed prior to the development of the solar energy facility. [for each and every change of ownership, a new proof of financial security should be submitted before the Planning Commission for determination. In addition, the Director of Planning and Permitting would be requested to provide a recommendation on the acceptability of the proof of financial security.]

5. (DPP Recommendation at p. 9-10). With respect to protection of endangered species and their habitats, the U. S. Fish & Wildlife Service (USFWS) raised concerns that the Project may adversely impact breeding Hawaiian hoary bats and endangered or migratory birds. The USFWS indicated that bats and their young may forage in the site and surrounding area and recommends suspending any disturbance of trees over 15 feet in height until after breeding and pup-rearing season which runs from June 1 through September 15. The USFWS stated that barbed wire fencing may snag avifauna and recommends avoiding barbed wire fencing. The Applicant met with USFWS representatives (and representatives from DOFAW) on November 5, 2014, to discuss the Project and potential impacts to species. FWS acknowledged that there is no proposed or designated critical habitat located within or near the Petition Area. USFWS noted, and DOFAW concurred, that the Hawaii hoary bat could use the Petition Area to forage and roost, and therefore recommended that the Applicant not disturb trees or plants greater than fifteen (15) feet in height during the bat birthing and pup rearing season, which spans from June 1 through September 15. The Applicant also agreed not to use barbed wire on the perimeter fencing that will surround the entire Petition Area. The only use of barbed wire will be as security wire on top of the fence surrounding the high-voltage substation and switchyard. USFWS commented that some birds on the U.S. mainland are confusing solar

systems for water, resulting in injuries to the birds. However, USFWS acknowledged that this has not been an issue documented in Hawaii. Because there are a number of water birds and shorebirds in Hawaii, FWS recommended that the Applicant's personnel be educated about the potential for birds to be attracted to and injured by the solar array and to contact USFWS if any such incidents occur. [See Applicant's Ex. 17] [The USFWS also indicates that birds have been known to mistake PV panels from bodies of water and flying into the panels could result in unintended bird kills, injuries, or predation of injured birds. USFWS recommends an on-site monitoring of bird activity and coordination with the USFWS to assist in minimizing impacts. To protect endangered species and migratory birds, the Applicant should consult with the USFWS.]

6. (DPP Recommendation at p. 10). The Waiahole Ditch, an open ditch that transports irrigation water from Windward to Central Oahu, runs along the Project's southern boundary, but is not located within the Petition Area. No impacts are anticipated on this water source as a result of the Project. Water for current agricultural operations does not come from Waiahole Ditch. However, Waiahole Ditch could serve as a source of irrigation water for on-site agricultural operations, provided that a water allocation is obtained from the Commission on Water Resource Management and other appropriate regulatory agencies.

7. (DPP Recommendation at p. 10). Noise or odors are not anticipated to adversely affect surrounding properties. Short-term noise impacts may result from supplemental grass trimming by mechanical means. Applicant prepared a Magnetic Fields and Audible Noise study, filed with DPP on December 15, 2014 as Exhibit 12. The study found that a very limited electromagnetic field, as well as some corona noise, will be generated by the Project. The study ultimately concluded that outside of the Project site, the electric and magnetic fields will essentially be zero for both the tap lines and the substation/switchyard. The corona noise produced by the overhead configurations at both locations will be very similar. [Applicant's Ex. 12; Applicant's Ex. 18]

8. (DPP Recommendation at p. 11). The DTS and the State Department of Transportation (DOT) Highways Division did not provide any comments. Therefore, a condition of approval relating to roadway infrastructure is not required. Nevertheless, the Applicant had

prepared a Construction Traffic Assessment for the Project. During Project operations, traffic impacts will be negligible. During construction temporary impacts include short-term increases to vehicle delays and queues during evening peak hours of 4 pm to 5 pm. If warranted, these short-term, temporary impacts can be addressed via modifications to work schedules and manual traffic controls at the site access. [See Applicant's Ex. 13]

9. (DPP Recommendation at p. 11). **Water Supply** - The Project site is not serviced by the Honolulu Board of Water Supply. A future reservoir of approximately 4.2 acres is being proposed by Castle & Cooke Homes Hawaii, Inc. [the landowner] and is not part of the proposed Project and Petition Area of 308.8 acres. The land area identified for the reservoir is therefore not subject to the SUP. [The Applicant indicates that the reservoir is not part of their Project even though it is located in the Petition Area. Reservoirs are a permitted use and there is no impact on the SUP if included in the Petition Area.] [See Applicant's Ex. 14; See Applicant's Ex. 26]

10. (DPP Recommendation at p. 13). The Applicant proposes to lease the Petition Area to establish a sheep farm and has explored alternative agriculture operations should the sheep farm prove infeasible. In addition, the Applicant states it will comply with decommissioning requirements of Section 205-4.5(a)(21)(C), HRS.

11. (DPP Recommendation at p. 17). An approved archaeological assessment could be required during review of the CUP, should SHPD provide comments that are contrary to the assessment's conclusions. Should any burials or archaeological or historic sites not previously identified in studies be discovered during the course of construction of the solar farm project, all construction activity in the vicinity of the discovery shall stop and Applicant shall be required to comply with the provisions of Chapter 6E, HRS. [cultural resources be uncovered during site work, the Applicant is required to comply with Section 106 of the National Historic Preservation Act and with Section 6E, HRS.]

Suggested deletion due to the absence of any federal nexus and therefore any requirement for compliance with Section 106 of the National Historic Preservation Act.



12. The Project will connect Hawaiian Electric Company's ("HECO") electrical grid at the 138 kilovolt ("kV") level. Residential and commercial PV systems connect to HECO's grid at a distributional level of 12 kV. HECO determines the ability to accept additional residential systems based on the existing amount of renewable energy on the 12 kV utility line, while the 138 kV line is not taken into consideration. Therefore, the Project will not prevent or impair connections for residential or commercial rooftop solar. [Application, at 3; Applicant's Ex. 16, at 3; T. Siegel, Tr. 12/17/14, 36:23 – 37:20]

13. There is urgency to have the Project approved by the Planning Commission and SLU Commission as soon as possible in order to have the Project operational by December 31, 2016, when the 30% Federal Investment Tax Credits expire. In order for the Applicant to provide electricity to HECO at a price of 13.75 cents per kilowatt hour and for the ratepayers to take advantage of this benefit, the Project must be in operation by December 31, 2016. [J. Lim, Tr. 12/17/14, 5:21 – 5:24; W. Wescoatt, Tr. 12/17/14, 12:18 – 12:24]

#### IV. CONCLUSIONS

Applicant suggests the following revisions to Section IV (Conclusions) in the DPP Recommendation. Applicant does not suggest any deletions to Section IV (Conclusions) but offers the following additions to more fully address the legal criteria applicable to the issuance of a SUP. Applicant's additions are noted by underscore.

1. The Applicant has met its burden of proof to show by a preponderance of the evidence that the Application meets the provisions of RPC Section 2-45.

2. Pursuant to RPC Section 2-45, the Applicant's request for a new State Special Use Permit is consistent with the guidelines established for determining "unusual and reasonable use" as follows:

a. It is not be contrary to the objectives sought to be accomplished by chapters 205 and 205A, HRS, and the rules of the Planning Commission and the State Land Use Commission. [See Application; See Applicant's Ex. 18, at 3]

b. It will not adversely affect surrounding property, the solar farm operation is a low-impact, passive land use that should have no adverse effect on surrounding property. [See Application; See Applicant's Ex. 18, at 3-4]

c. It will not unreasonably burden public agencies to provide roads and streets, sewers, water drainage and school improvements, and police and fire protection. [See Application; See Applicant's Ex. 18 at 5; See Applicant's Ex. 11; See Applicant's Ex. 15]

d. Unusual conditions, trends and needs have arisen since the Petition Area was put into the State Agricultural District. Hawai'i's Clean Energy policy, established in 2001, includes a goal of using efficiency and renewable energy resources to meet 70% of Hawaii's energy demand by 2030 (30% from efficiency measures, and 40% from locally generated renewable sources). The Project will help the State achieve this goal, which was not on the horizon in the 1960s when the Petition Area was first put into the Agricultural District. [See Application; See Applicant's Ex's 18, at 5]

e. The Petition Area is not unsuited for the permitted uses within the State Land Use Agricultural District. However, in compliance with Act 55, the Petition Area is suited for both agricultural activities and utility scale solar energy facilities. [See Application; See Applicant's Ex. 18]

3. Article XII, section 7, of the Hawai'i State Constitution requires the State and its political subdivisions to protect native Hawaiian traditional and customary rights. The State and its agencies are obligated to protect the reasonable exercise of customarily and traditionally exercised native Hawaiian rights to the extent feasible. *Public Access Shoreline Hawai'i v. Hawa'i County Planning Commission*, 79 Haw. 425, 450, n. 43, cert. denied, 517 U.S. 1163 (1996); *Ka Pa'akai O Ka 'Aina v. Land Use Commission*, 94 Hawai'i 31, 7 P.3d 1068 (2000). There have been no specific valued natural and cultural resources identified within the Petition Area. No evidence has been identified to demonstrate that traditional and customary cultural practices are being exercised within the Petition Area currently, nor have any such practices been documented as taking place in the past within the Petition Area. Therefore, the Project will not affect or impair any valued cultural, historical or natural resources related to customary and traditional native Hawaiian practices. [See Applicant's Ex. 10]

4. Article XI, Section 7, of the Hawai'i State Constitution states that the State has an obligation to protect, control, and regulate the use of Hawai'i's water resources for the benefit of its people. The Project is located outside of the Special Management Area, and is consistent with the objectives and policies of the Coastal Zone Management Act, HRS Chapter 205A. The Project will not entail any significant use of, nor generate significant impacts to, groundwater resources. [See Applicant's Ex. 11; See Applicant's Ex. 19]

## V. RECOMMENDATIONS/CONDITIONS

Applicant suggests the following revisions to the proposed conditions of approval included in the DPP Recommendation (Applicant's additions are noted by underscore; Applicant's deletions are in brackets [ ]). Although Applicant does not have comments or suggested revisions to most of the proposed conditions of approval in the DPP Recommendation, the full text of the DPP conditions is provided below for context.

### V. RECOMMENDATIONS

The Director of the Department of Planning and Permitting recommends that Special Use Permit (SUP) Application File No. 2014/SUP-3, for a solar energy facility on approximately 308.8 acres [313 acres], Portion of Parcel 4 (Tax Map Key 9-5-003: 004), be approved, subject to the following conditions:

1. Usable lands of the Petition Area, including areas under PV panels, shall be made available for compatible agricultural use at a lease rate that is at least 50 percent below the fair market rent for comparable properties, as long as the Project is in operation. Compatible agricultural operations shall be established, or Applicant shall be actively seeking to have such operations established, within one year of the start of commercial power generation. Extensions to this deadline may be granted by the Director of the DPP for unforeseen extenuating circumstances.

2. The Applicant shall submit for review and obtain the approval of the following from the Director of the DPP, prior to the issuance of a grading or building permit:

- a. A survey map accompanied by a metes and bounds description of the approved Petition Area.
- b. A site plan showing the area required under Condition 1, above, relating to the minimum land area to be made available for compatible agricultural use.

3. Prior to the start of commercial operation of the solar farm, the [The] Applicant shall submit to the DPP[,] proof of financial security, such as a posted letter of credit or similar mechanism from a creditworthy financial institution, in favor of the owner of the land subject to the SUP, in the amount of FOUR MILLION AND NO/100 DOLLARS (\$4,000,000), which security shall remain in place for the duration of the operation of the Project, with evidence of same provided to the Director of the DPP on an annual basis, to decommission the Project and restore the Petition Area to substantially the same physical condition as existed prior to the development of the solar energy facility. [Planning Commission approval of the proof of financial security shall be obtained prior to the issuance of grading or building permits, whichever occurs the sooner.]

The Applicant shall decommission the solar energy facilities within twelve (12) months following the termination of operation of the solar farm, with the exception of the HECO switchyard, which may remain within the Petition Area after termination of the SUP. A change in Project ownership or a change of ownership of the Petition Area [its affiliates], which warrants a new proof of financial security to decommission the Project, shall be submitted to the DPP for processing through the Planning Commission, within three months of the ownership change.

4. As needed, the Applicant shall work with the U.S. Fish & Wildlife Service regarding the protection of endangered or migratory bird activity at the Petition Area.

5. The Applicant shall establish the Project within two years of the date of the State Land Use Commission's Decision and Order approving the SUP. Requests for extension of this deadline shall be submitted to the Director of the DPP prior to the expiration of the deadline. The Planning Commission may grant an extension to the deadline to establish the Project due to unforeseen circumstances that were beyond the control of the Applicant. This SUP shall be valid for a period of thirty-five (35) years from the date of the State Land Use

Commission's Decision and Order approving the SUP, subject to further extensions upon a timely request for extension filed with the Planning Commission at least one-hundred twenty (120) days prior to the SUP's expiration.

6. On or before December 31 of each year that the SUP is in effect, the Applicant or its successor shall file an annual report to the DPP that demonstrates the Applicant's compliance with conditions of the SUP.

7. Major modifications to: (1) the Project plans, including but not limited to significant increases in the number of PV panels; (2) amendments to the conditions of approval; (3) significant expansions of the approved area; or (4) changes in uses stated herein, shall be subject to the review and approval of the Planning Commission and the State Land Use Commission. Minor modifications including minor additions to accessory uses and structures, and new incidental uses and structures in the approved area are subject to review and approval by the Director of the DPP.

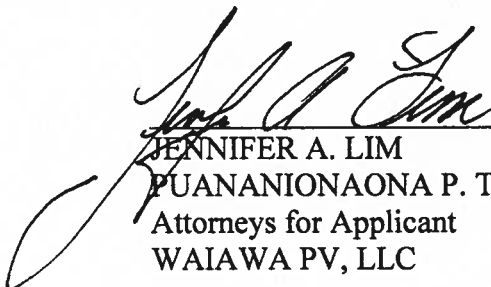
8. The Applicant and/or landowner shall notify the Director of DPP of:
- a. Any change or transfer of license on the property;
  - b. Any change in uses on the property;
  - c. Termination of any uses on the property; and/or
  - d. Transfer in ownership of the property.

The Planning Commission, in consultation with the Director of the DPP, shall determine the disposition of this Special Use Permit, and the facilities permitted herein.

9. Enforcement of the conditions of the SUP shall be pursuant to the Rules of the Planning Commission, including the issuance of an order to show cause as to the reason the SUP should not be revoked if the Planning Commission has reason to believe that there has been a failure to perform the conditions imposed herein.

10. If the photovoltaic array creates a hazardous condition for aviation, the facility operator shall immediately initiate steps to mitigate the hazard upon notification by the Hawaii State Department of Transportation or the Federal Aviation Administration.

Respectfully submitted,



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JENNIFER A. LIM  
PUANANIONAONA P. THOENE  
Attorneys for Applicant  
WAIAWA PV, LLC

Dated: Honolulu, Hawaii, January 6, 2015

BEFORE THE PLANNING COMMISSION  
OF THE CITY AND COUNTY OF HONOLULU

STATE OF HAWAII

In the Matter of the Application of

WAIAWA PV, LLC

For a New Special Use Permit To Allow  
Development of a 47-megawatt photovoltaic  
(PV) Energy Generation Facility and  
Accessory Uses and Structures On Lands  
Rated Class B by the Land Study Bureau,  
Waipio, Ewa, Oahu, Hawaii Tax Map Key No.  
(1) 9-5-003: Portion of Parcel 004

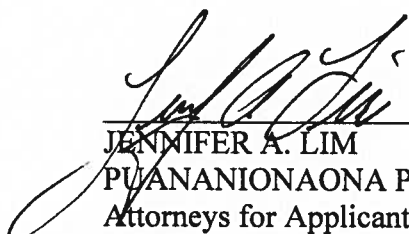
FILE NO. 2014/SUP-3 (RY)

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I hereby certify that due service of a copy of the foregoing was served upon the following party by hand delivery on January 6, 2015, addressed to:

PLANNING COMMISSION  
Department of Planning and Permitting  
City and County of Honolulu  
650 South King Street, 7th Floor  
Honolulu, Hawai'i 96813

  
\_\_\_\_\_  
JENNIFER A. LIM  
PUANANIONAONA P. THOENE  
Attorneys for Applicant  
WAIAWA PV, LLC

Dated: Honolulu, Hawaii, January 6, 2015