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LAND USE COMMISSION
Department of Business, Economic Development & Tourism
State of Hawai'i

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November 21, 2018

Steven S.C. Lim, Esq.
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Carlsmith Ball LLP
ASB Tower, Suite 2100
1001 Bishop Street
Honolulu, Hawai'i 96813

Dear Mr. Lim:

The Commission has received Waikoloa Highlands, Inc.'s ("WHI") Motion for Issuance of a Subpoena to an Authorized Representative of the State of Hawai'i Office of Planning, Memorandum in Support of Motion, Exhibits 43 to 44, and Declaration of Derek B. Simon on November 15, 2018 ("WHI Motion"). The Petitioner has requested a hearing on the motion in the event the Commission decides not to issue the subpoena as requested.

The Chair of the Commission hereby informs the parties that a hearing on the WHI Motion has been scheduled for November 28, 2018, in Kona, Hawai'i. The parties are also notified that they will each be given ten (10) minutes to make oral argument on their positions on the WHI Motion. The Commission will then deliberate and make a decision. The hearing on this motion will be limited to forty-five (45) minutes.

Thank you for the opportunity to comment on the subject application. Should you have any questions, please feel free to contact the Executive Officer of our office at 587-3826.

Sincerely,

Jonathan Likeke Schetler
Chairperson and Commissioner

cc: Leo Asuncion, State Office of Planning
Michael Yee, Hawai'i County Planning