

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

In the Matter of the Petition of ) DOCKET NO. A00-730  
)  
LANIHAU PROPERTIES, LLC ) PREHEARING CONFERENCE  
) ORDER  
To Amend the Conservation Land Use )  
District Boundary into the Urban Land Use )  
District for Approximately 336.984 Acres at )  
Honokohau, North Kona, Hawaii, )  
Tax Map Key Nos.: 7-4-08: portion of )  
13 and 7-4-08: 30 )

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PREHEARING CONFERENCE ORDER

2003 JUN 19 A 11: 23  
LAND USE COMMISSION  
STATE OF HAWAII

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LANIHAU PROPERTIES, LLC	)	PREHEARING CONFERENCE
	)	ORDER
To Amend the Conservation Land Use	)	
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PREHEARING CONFERENCE ORDER

A Prehearing Conference (“Conference”) was held in Honolulu on June 12, 2003.

The following parties attended the Conference: Lanihau Properties, LLC (“Petitioner”), the Planning Department, County of Hawaii (“County”), the Office of Planning, Department of Business Economic Development & Tourism (“OP”), and the Kaloko-Honokohau National Historical Park (“KAHO” or “Intervenor”);

The purpose the Prehearing Conference was to inform the parties of the scheduling of the hearing and related actions; clarify the status of the draft stipulated decision and order being circulated by the parties (“Draft Stipulation”); determine the

deadlines for the submittal of any proposed Stipulation, respective witness lists, stipulated exhibit list, and respective exhibit lists and exhibits, if necessary; determine the schedule for the hearing proceedings; and determine the procedures that will be used in the course of the proceeding.

At the Conference, the parties stated their intention to file a proposed Stipulated Decision and Order, which is comprehensive in scope; and coordinate the preparation and filing of stipulated exhibits which include exhibits and excerpts that were in the record for LUC Docket No. A00-732/TSA Corporation ("TSA proceedings") (as allowed by the Commission). Petitioner, in particular, indicated its intent to waive its right to cross examine or challenge the admission of specific stipulated records from the TSA proceedings.

The parties have agreed to the following order regarding the hearing proceedings for the Commission's meeting scheduled for June 26 and 27, 2003.

IT IS HEREBY ORDERED as follows:

1. On consent of all parties, the Proposed Stipulated Decision and Order, if any, shall be submitted to the Commission in accordance with §15-15-56(2) HAR, but in any event, no later than June 19, 2003.
2. On consent of all parties, the parties shall submit their final respective witness and exhibit lists no later than June 25, 2003.

3. On consent of all parties, the parties shall be given the flexibility to present their respective cases in a manner that expedites the hearing proceedings and augments evidence submitted for the record.

4. On consent of all parties, at the hearing on the Petition, the Presiding Officer of the Commission shall determine, in accordance with §15-15-63(j), HAR, if portions of the record for the TSA proceedings shall be allowed to be submitted as exhibits to this proceeding, and if so, the format of such exhibits. For example, the Presiding Officer shall determine whether excerpts of documents or excerpts of testimony from the TSA proceedings may be received as exhibits or whether entire documents or entire testimony will be required. Further, the Presiding Officer shall determine if documents may be received in evidence by reference or whether the documents must be produced.

Dated: Honolulu, Hawaii, June 19, 2003

LAND USE COMMISSION  
STATE OF HAWAII

  
By ANTHONY J. HCHING  
Executive Officer

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Petition of ) DOCKET NO. A00-730  
)  
LANIHAU PROPERTIES, LLC ) CERTIFICATE OF SERVICE  
)  
To Amend the Conservation Land Use )  
District Boundary into the Urban Land Use )  
District for Approximately 336.984 Acres at )  
Honokohau, North Kona, Hawaii, )  
Tax Map Key Nos.: 7-4-08: portion of )  
13 and 7-4-08: 30 )

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the Prehearing Conference Order was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by certified mail:

DEL. MARY LOU KOBAYASHI  
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P. O. Box 2359  
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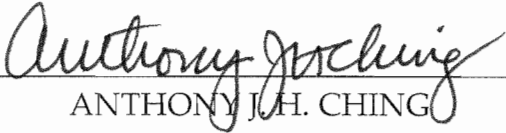
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DATED: Honolulu, Hawaii, this 19th day of June, 2003.

  
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ANTHONY J. CHING  
Executive Officer