PLANNING DEPARTMENT
COUNTY OF HAWAII
2011 OCT -4 PM 2:06

LAND USE COMMISSION
STATE OF HAWAII
2011 OCT -3 P 1:42

BEFORE THE LAND USE COMMISSION
STATE OF HAWAI'I

In The Matter Of The Petition Of	)	DOCKET NO. A03-743
	)	
HAWAII ELECTRIC LIGHT COMPANY, INC., a Hawai'i corporation	)	ORDER GRANTING MOTION FOR MODIFICATION OF CONDITION NO. 5 CONTAINED IN FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION AND ORDER ENTERED BY THE STATE LAND USE COMMISSION ON NOVEMBER 7, 2005 IN DOCKET NO. A03-743; CERTIFICATE OF SERVICE
To Amend The Conservation Land Use District Boundaries Into The Urban Land Use District For Approximately 15.643 Acres Of Land at Keahole, North Kona, Island of Hawai'i , State of Hawai'i, Tax Map Key: 7-3-49, 36 and 37.	)	

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CERTIFICATE OF SERVICE

THIS IS TO CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF THE DOCUMENT ON FILE IN THE OFFICE OF THE STATE LAND USE COMMISSION, HONOLULU, HAWAI'I.

By _____ 10/3/11
Executive Officer Date

074574

BEFORE THE LAND USE COMMISSION
STATE OF HAWAI`I

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STATE OF HAWAII
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BEFORE THE LAND USE COMMISSION
STATE OF HAWAI`I

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On August 26, 2011, the Hawai`i Electric Light Company, Inc. ("HELCO") filed a Motion for Modification of Condition No. 5 contained in the Findings of Fact, Conclusions of Law, and Decision and Order entered by the State Land Use Commission on November 7, 2005 in Docket No. A03-743 ("Motion") pursuant to section 15-15-70(d), Hawai`i Administrative Rules ("HAR").

On September 12, 2011, the State Office of Planning ("OP") filed its Statement of No Opposition to Petitioner's Motion for Modification of Condition No. 5 contained in the

Findings of Fact, Conclusions of Law, and Decision and Order entered by the State Land Use Commission on November 7, 2005 in Docket No. A03-743.

On September 13, 2011, the County of Hawaii Planning Department ("County") filed its Statement of No Objection to Petitioner's Motion for Modification of Condition No. 5.

This Motion for Modification of Condition No. 5 was heard in Lihue, Hawai`i, on September 22, 2011. Robert Marks, Esq. and Norman Verbanic appeared on behalf of Petitioner; Bryan Yee, Esq., appeared on behalf of OP; Bobbie Jean Leithead-Todd appeared on behalf of the County of Hawai`i.

At the hearing, OP indicated that it had no opposition to HELCO's Motion for Modification of Condition No. 5. The County of Hawai`i also had no opposition to HELCO's Motion for Modification of Condition No. 5.

After discussion and deliberation by the Commissioners, a motion was made and seconded to grant HELCO's Motion for Modification. There being a vote tally of 6 ayes and 3 excused, the motion carried.

This Commission, having duly considered the Motion for Modification of Condition No. 5 filed by HELCO, the arguments and representations by the parties and the record in this docket, hereby finds and concludes that HELCO has demonstrated that its position concerning the Motion for Modification of Condition No. 5. Therefore, for good cause shown,

IT IS HEREBY ORDERED that the Motion for Modification of Condition No. 5 contained in the Findings of Fact, Conclusions of Law, and Decision and Order entered by the State Land Use Commission on November 7, 2005 in Docket No. A03-743 filed by the Hawai`i Electric Light Company, Inc. be GRANTED.

ADOPTION OF ORDER

The ORDER and its ADOPTION shall take effect upon the date this ORDER is certified and filed by this Commission.

DONE at Honolulu, Hawai`i, this 3rd day of October, 2011, per motion on September 22, 2011.

APPROVED AS TO FORM

Deputy Attorney General

LAND USE COMMISSION
STATE OF HAWAI`I

By _____
NORMAND LEZY
Chairperson and Commissioner

Filed and effective on:
10/3/2011

Executive Officer

BEFORE THE LAND USE COMMISSION
STATE OF HAWAI'I

In The Matter Of The Petition Of	)	DOCKET NO. A06-771
	)	
HAWAII ELECTRIC LIGHT COMPANY, INC., a Hawai'i corporation	)	CERTIFICATE OF SERVICE
	)	
To Amend The Conservation Land Use District Boundaries Into The Urban Land Use District For Approximately 15.643 Acres Of Land at Keahole, North Kona, Island of Hawai'i , State of Hawai'i, Tax Map Key: 7-3-49, 36 and 37.	)	

CERTIFICATE OF SERVICE

I hereby certify that a copy of the ORDER GRANTING MOTION FOR MODIFICATION OF CONDITION NO.5 CONTAINED IN FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION AND ORDER ENTERED BY THE STATE LAND USE COMMISSION ON NOVEMBER 7, 2005 IN DOCKET NO. A03-743 was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by regular or certified mail as noted:

CERTIFIED MAIL: ROBERT MARKS, Esq.
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Deputy Attorney General
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ATTORNEY FOR STATE OFFICE OF PLANNING

REGULAR MAIL Bobbie Jean Leithead-Todd, Director
County of Hawaii, Planning Department
Aupuni Center
101 Pauahi Streeet, Suite 3
Hilo, Hawaii 96720

CERTIFIED MAIL: Lincoln Ashida, Esq.
Corporation Counsel
County of Hawaii
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Hilo, Hawaii 96720
ATTORNEY FOR COUNTY OF HAWAI`I PLANNING DEPARTMENT

Dated: Honolulu, Hawai`i, 10/3/11

ORLANDO DAVIDSON
Executive Officer