LAND USE COMMISSION
MEETING MINUTES

October 29, 2014, 9:30 a.m.
Leiopapa A Kamehameha., Room 405
235 South Beretania Street
Honolulu, HI 96813

COMMISSIONERS PRESENT:	Chad McDonald Arnold Wong Edmund Aczon Kent Hiranaga Brandon Ahakuelo Jonathan Scheuer
COMMISSIONERS EXCUSED:	Aaron Mahi
LUC STAFF PRESENT:	Daniel Orodenker, Executive Officer Russell Suzuki, Deputy Attorney General Bert Saruwatari, Staff Planner Scott Derrickson, Staff Planner Riley Hakoda, Staff Planner/Chief Clerk Haunani Nagel, Secretary
COURT REPORTER:	Holly Hackett
AUDIO TECHNICIAN:	Walter Mensching

CALL TO ORDER

Chair McDonald called the meeting to order at 9:33 a.m.

APPROVAL OF MINUTES

Chair McDonald asked if there were any corrections or additions to the October 8, 2014 minutes. There were none. Commissioner Wong moved to approve the minutes. Commissioner Ahakuelo seconded the motion. Vice Chair asked if there were any Commissioners opposed to accepting the minutes. There was no opposition.

Commissioner Scheuer stated that he abstained. The minutes were approved by voice vote (5-0 with 1 abstention and 1 excused).

TENTATIVE MEETING SCHEDULE

Executive Officer Orodenker provided the following:

- The regular tentative meeting schedule has been distributed in the handout material for the Commissioners.
- November 12-13, 2014 is planned for A92-683/Halekua Development at the Honolulu Airport. It may be necessary to have "working lunches" to complete all the planned activity for both days. The LUC will provide meals for the Commissioners.
- November 20, 2014 is planned for Special Permits SP14-404 Jas. W. Glover, and SP92-380 Hawaiian Cement and Declaratory Ruling DR14-51 Petition for Declaratory Order in Kahului, Maui.
- December 10, 2014 State Office Building on Kauai for SP86-764 Kahili Adventist Status Report and possible site visits.
- Above dates represent the tentative calendar of meetings and are subject to change.
- Any questions or conflicts, please contact LUC staff.

There were no questions and comments regarding the tentative meeting schedule.

HEARING & ACTION

A 87-610 Tom Gentry and Gentry Pacific Ltd. (Oahu)

Chair McDonald stated that this was a meeting on Docket No. A87-610 Successor Petitioner Kamehameha Schools' **Motion for Order** Amending FOF, COL, D&O dated May 17, 1988 to:

(1) Recognize Kamehameha Schools as the successor Petitioner with standing to seek and obtain the relief requested by the Motion and
(2) Issue an order modifying the Commission's FOF, COL, D&O dated 5/17/1988 as amended by Commission's November 30, 1999 *Order Amending Condition No. 6 of the D&O dated 5/17/1988* to expressly authorize the use of portion of the KS Property for solar farm development for an interim period not to exceed 35 years

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APPEARANCES
Jennifer (Benck) Lim, Esq., Kamehameha School's Representative
Georgio Caldarone, Kamehameha Schools (KS)
Matthew Higashida, Planner, DPP

Richard Lewallen, Esq., Deputy Corporation Counsel, DPP
Bryan Yee, Esq., Deputy Attorney General, State Office of Planning
Rodney Funakoshi, Land Use Administrator, State Office of Planning

Chair McDonald asked if Ms. Lim is she had been made aware of the LUC's reimbursement for meeting expenses policy and whether her client would comply with it. Ms. Lim acknowledged that she had been made aware of the policy and that her client would abide by it.

Chair McDonald updated the record; described the procedures for the day and asked if there were any Public Witnesses who wished to testify. There were no questions on the day's procedures.

PUBLIC WITNESSES

None

Chair McDonald re-asked if there were any other witnesses. There were none.

COMMISIONER DISCLOSURES RE: DOCKET NO. A87-610

Commissioner Scheuer stated that he wished to disclose that his wife works as a land use planner for Group 70, a sub-consultant on this project. Chair McDonald asked if there were any objections to Commissioner Scheuer's continued participation in the proceedings. There were no objections.

Commissioner Ahakuelo disclosed that his mother-in-law is employed by Kamehameha Schools. Chair McDonald asked if there were any objections to Commissioner Ahakuelo's continued participation in the proceedings. There were no objections.

Chair McDonald stated that the Commission was ready for the presentation of exhibits by the Parties.

PRESENTATION OF EXHIBITS

Petitioner

Ms. Lim offered Petitioner's Exhibits #1-39 for the record and described the errata filing to correct Petitioner's Exhibit 8. There were no objections to accepting Petitioner's exhibits. Chair McDonald admitted Ms. Lim's exhibits.

A member of the public identifying himself as Daniel Purcell interrupted the proceedings and stated that he could only account for 35 exhibits on the LUC website. Proceedings were halted to verify Mr. Purcell's statement. It was determined that Mr. Purcell's statement was incorrect and that he had failed to account for 4 rebuttal exhibits.

County

Mr. Lewallen stated that the City and County of Honolulu had submitted its statement of position and that he had no exhibits.

OP

Mr. Yee offered OP's Exhibits #1-8 for the record. There were no objections to accepting OP"s exhibits. Chair McDonald admitted OP's exhibits.

Chair McDonald stated that the Commission was ready to receive the Parties' presentations.

PETITIONER'S WITNESSES

Ms. Lim provided a summary of the order of her witnesses and what the content of their respective testimonies would be about and began offering her witnesses.

1. Giorgio Caldarone
   Mr. Caldarone shared his professional work background and described the proposed project development plan and the factors that were part of the decision-making process to select and proceed with this particular proposal instead of pursuing the original proposed Gentry project. Mr. Caldarone also described the various land use planning, design and construction, financial, market, social impact and regulatory considerations that were made throughout the evaluation of this proposed venture; and how the original D&O conditions related to the current proposed Petition. Mr. Caldarone described how KS selected Sun Edison for the proposed solar farm project and provided various details of the proposed project's development agreement, and summarized why he felt the proposed project was worthy of LUC approval and what outcomes he felt could be achieved by KS if the

Petition was granted..

Questions for Mr. Caldarone
DPP

Mr. Lewallen requested clarification on whether the proposed project plans included residences and would have caretakers. Mr. Caldarone replied that no residences were included and that there would be on-site security but no permanent caretaker(s) for the Petition Area.

OP

Mr. Yee requested clarification on the hydrologic zone of contribution located in the Petition Area and what Petitioner's new Petition Area master plan was. Mr. Calderon provided his understanding of the various aspects of the hydrologic zone of contribution and stated that the new master plan was still being assembled and deferred questions about it to Petitioner's witness Cathy Camp. Mr. Caldarone also described how various phases of the work on the proposed project would occur.

Redirect

None

Commissioner Questions

Commissioner Wong requested clarification on whether the 35 year term was inclusive of both proposed phases. Mr. Calderone replied that Phase II was planned to start in about 5 years in order that the term of the Phase II agreement would coincide or align with the 35 year window for the Petition Area.

Commissioner Scheuer requested clarification on KS' 5 values and how it balanced them against its economic objectives; and whether there was overlap on where the original housing and commercial development was to be located and the new proposed solar farm area. Mr. Caldarone shared his perspective of how KS's Education, Environment, Economic, Community and Cultural values would be optimized; and described how the demographics for the proposed Gentry project had changed over the years; and how KS would address influences to its master plan under development.

Commissioner Aczon requested clarification on how the Petition Area would be assessed by KS; and what would be involved in the development of the proposed solar farm. Mr. Caldarone described how KS would plan and adjust itself to take advantage of market conditions and make any changes in the future. Mr. Caldarone also described

how revenue derived from the solar farm would be handled and what infrastructure KS had invested in for agriculture on its land holdings.

Chair McDonald requested clarification on the future collaboration between KS and Castle & Cooke Waiawa for proposed development in the region. Mr. Caldarone deferred to Ms. Camp to provide details on the plans for future collaboration but noted that KS would continue to collaborate.

Chair McDonald requested clarification on how the power purchase agreement (PPA) between the developer and the utility would work; and how home owner interconnections to the power grid would be affected. Mr. Calderone provided his understanding of the PPA and deferred to Ms. Doss to provide further details regarding the PPA and its impacts.

There were no further questions for Mr. Caldarone. The Commission went into recess at 10:21 a.m. and reconvened at 10:29 a.m. Ms. Lim offered her first expert witness, Tom Witten.

2. Tom Witten from PBR Hawai`i

   Mr. Witten was offered, qualified and accepted as an expert witness in the area of land use planning. There were no objections to Mr. Witten's testimony. Mr. Witten described his organization's role and input in the preparation of the Petition; and the history and background and future plans for the proposed project if the Petition was granted.

Questions for Mr. Witten

DPP

Mr. Lewallen requested clarification on details regarding the planned land bridge across Panawai Gulch. Mr. Witten replied that he was familiar with the plans for the bridge and shared his perspective of how construction costs for the bridge impacted development planning for the proposed projects nearby.

OP

Mr. Yee requested clarification on the location of the Koa Ridge project in the area and whether Witten knew what the average acreage needed per megawatt was for solar farms. Mr. Witten used Petitioner's Exhibit 4 to identify the location of the Koa Ridge Project and deferred the average acreage per megawatt question to Ms. Doss.

Redirect
None

Commissioner Questions

Commissioner Scheuer asked if the relationship between the proposed solar farm and Land Study Bureau (LSB) A or B classified lands was illustrated. Mr. Witten replied that the lands were currently designated urban and that he did not have an exhibit displaying the LSB A and B classified lands.

There were no further questions for Mr. Witten.

3. Nicola Doss from SunEdison

Ms. Doss was offered, qualified and accepted as an expert witness in the area of renewable energy and project development (Ms. Doss also addressed the traffic assessment that was prepared by engineer Sohrab Rashid). There were no objections to Ms. Doss' testimony.

Ms. Doss described her organization's development intentions and how it would proceed if the Petition were granted. She also described the various challenges, considerations, proposed actions and mitigations involved with the Petition Area's development and provided her reasons why the proposed project would be a benefit to the community and State and why she felt the Petition should be granted.

Questions
DPP

Mr. Lewallen requested clarification on the interconnect process where the solar farm energy met the grid. Ms. Doss described how her company had engineered for handling interconnections of this proportion safely over the years.

OP

Mr. Yee requested clarification on HECO's role in the Renewable Energy movement and how SunEdison factored into HECO's plans. Ms. Doss provided her perception of HECO's renewable energy efforts and described how her company competed to provide HECO power and determined the necessary acreage to do so. Mr. Yee also requested clarification on mitigation measures regarding FAA glint/glare concerns, access to the Waiawa Correctional Facility and whether a separate traffic assessment would be done for the planned Phase II portion of the proposed project. Ms. Doss described how studies regarding glint/glare concerns had discovered minimal

needs for mitigation and how access to the correctional facility would be preserved; and confirmed that a separate traffic assessment would be done for Phase II, and that recycling/re-use of materials would be part of the decommissioning process.

Redirect

Ms. Lim requested clarification on the battery storage capacity needs of HECO and what progress HECO was making in meeting the objectives of the Hawaii Clean Energy Initiative. Ms. Doss provided her perspective of what HECO's storage capacity needs were and how aspects of the Clean Energy Initiative were being addressed.

Commissioner Questions

Commissioner Scheuer requested clarification on aspects of SunEdison's agreement with KS regarding development of the Petition Area during the tenure of the agreement and the decommissioning that would occur at the end of the agreement. Ms. Doss described how the agreement defined what activities could occur in the Petition Area and the measures that were in place to ensure that proper decommissioning of the proposed facility occurred.

Commissioner Aczon requested clarification on when the two phases of the proposed project were expected to start generating/contributing energy during the term of the agreement. Ms. Doss described how Phase I was expected to operate based on the initial plans for the proposed project pending Public Utility Commission approval and how Phase II was still a projected development till all the components of Phase I were determined and market conditions for energy produced could be better assessed. Ms. Doss also described how interconnection between both of the phases into the grid could occur.

Commissioner Wong requested clarification on the site selection process, and the size and description of the proposed sub-station planned for the Petition Area and what provisions for security were involved. Ms. Doss replied that the sub-station would be similar in dimensions to those located within local neighborhoods and described the area size reserved for the sub-station; why it was selected and how it would be secured, maintained and landscaped. Commissioner Wong also expressed his concerns about how the proposed facility would be protected from wildfires and questioned whether provisions had been made for this threat. Ms. Doss replied that her firm had acknowledged the hazard of fires and had emergency plans in place and would insure the facility to mitigate this threat.

Chair McDonald requested clarification on the estimated construction costs for Phase I & II and the breakdown of those costs were; and other infrastructure requirements. Ms. Doss stated that the Phase I cost estimate was between $150M-$200M, and that Phase II was still conceptual but could be $180M or more- with the largest cost being the modules, inverters and racking used by the system; and the other large remainder costs that were associated with land development such as design, engineering and construction, etc. Ms. Doss stated that minor road improvements were the projected infrastructure changes and described how the site would be remotely monitored and controlled.

Chair McDonald also inquired about fire protection and whether fire hydrants were included in the plans; and about the traffic assessment report. Ms. Doss described how the fire emergency plans to protect the facility were similar to those typically required for remote utilities and why hydrants were not included; and how the findings of the traffic assessment report were obtained.

Commissioner Wong requested further clarification on fire protection for the proposed battery storage facility. Ms. Doss stated that her firm did not have storage proposed at the site currently and described how a battery storage facility had been included in the plans in case it was needed and how SunEdison had shared its proposed project plans with various community groups.

Commissioner Ahakuelo requested clarification on what equipment HECO would control within the proposed project and how it would interface with the Petition Area plans. Ms. Doss described the equipment and power lines that HECO would be responsible for and how the communications network for the Petition Area would work.

Commissioner Hiranaga had a procedural question on the appropriate time to question witnesses. Chair McDonald clarified that witnesses should be questioned as they appeared before the Commission and that they would be recalled if necessary.

Commissioner Hiranaga requested clarification on what amount of surface area would be covered by the solar panels and what type of landscape buffers were planned to visually shield the structures from sight at a ground level; and whether any fauna was endangered by the proposed project. Ms. Doss replied that the panels covered approximately 60% of the ground area and that the Conditional Use Permit (CUP) for the facility had requirements for a landscaping plan which had to be acceptable to the

DPP. Ms. Doss also stated that she was not aware of any hazards to fauna posed by the proposed solar farm.

There were no further questions for Ms. Doss.

The Commission went into recess at 12:11 p.m. and reconvened at 1:33 p.m., and Ms. Lim offered her fourth expert witness, Paul Matsuda.

A member of the public, Dan Purcell, inquired about opportunities for the public to provide testimony during the meeting. Discussion ensued with Mr. Purcell sharing his perception of when the public should be allowed to provide testimony. Chair McDonald took Mr. Purcell's comments under advisement and resumed the proceedings.

4. Paul Matsuda from Group 70,

Mr. Matsuda was offered, qualified and accepted as an expert witness in the area of civil engineering. Mr. Matsuda described the design specifications and permitting requirements for the proposed project and summarized the plans to construct the facility. Mr. Matsuda was also asked to provide his perspective on the concerns that the Commissioners had with regard to design and engineering, infrastructure, fire control and protection, and the environment.

Questions for Mr. Matsuda
DPP
None

OP

Mr. Yee requested clarification on what phase Mr. Matsuda had been involved with. Mr. Matsuda replied that he had been involved with both phases, but primarily with Phase I since it would be delivered first; and that the Phase I plans were still not complete and would be finalized after obtaining LUC approval of the Petition. Mr. Matsuda stated that he believed that separate assessments would be done for each phase as plans to finalize the entire project moved forward.

Redirect

Ms. Lim requested clarification on whether there would be a further assessment. Mr. Matsuda responded that DPP's CUP required that his company provide additional details and duty assessments to complete the CUP application for both Phase I & II.

Commissioner Questions

Commissioner Scheuer requested clarification on how it was determined that no increased runoff would occur from the proposed project site. Mr. Matsuda described how discussions regarding runoff had been conducted with DPP personnel and how drainage standards and the perviousness of the ground factored into determining that no increased runoff would occur.

There were no further questions for Mr. Matsuda.

5. Chris Monahan from TCP Hawaii, Expert in Archaeology.
   Mr. Monahan was offered, qualified and accepted as an expert witness in the area of archaeology.

Questions for Mr. Monahan
DPP
None

OP

Mr. Yee requested clarification on what changes had been made to reporting requirements since the 1990s and what the State Historic Preservation Department (SHPD) currently were. Mr. Monahan described the evolution of State archaeological reporting and what his findings were within and around the Petition Area.

Redirect
None

Commissioners

Commissioner Scheuer requested clarification on a portion of Mr. Monahan's regarding the Ka Pa`akai analysis and the Cultural Impact Assessment. Ms. Lim noted that her next witness, Jason Jeremiah, could address the cultural aspects of the Petition to respond to this question.

There were no further questions for Mr. Monahan.

6. Jason Jeremiah from KS, Cultural Resources Expert.
   Mr. Jeremiah was offered, qualified and accepted as an expert witness in the area of cultural matters and described how the Cultural Impact Assessment had been conducted and summarized his findings regarding cultural matters relative to the

Petition Area. Mr. Jeremiah stated that he did not feel that the proposed project posed any negative impact to any archaeological, historic or cultural resources in the Petition Area.

Questions for Mr. Jeremiah
DPP
None

OP
None

Redirect
None

Commissioner Questions

Commissioner Wong requested clarification on whether any ancestral claims had been made in regards to the Petition Area lands. Mr. Jeremiah responded that he had not discovered any such claims.

There were no further questions for Mr. Jeremiah.

The Commission went into recess at 2:24 p.m. and reconvened at 2:32 p.m., and Ms. Lim offered her final witness, Cathy Camp.

7. Cathy Camp from KS

Ms. Camp spoke about her KS role and involvement with community relations and the future plans for the KS Waiawa property and the particulars regarding the proposed project.

Questions for Ms. Camp
DPP
None

OP

Mr. Yee requested clarification on whether there had been any discussion between KS and Castle & Cooke on the development and the completion of infrastructure involved with the Castle & Cook Waiawa project. Ms. Camp responded that KS has been in closed communication with Castle & Cooke with regards to this Petition and would continue to work closely with Castle & Cooke on infrastructure

improvements in the future; and that she was not familiar with KS and Castle & Cooke discussions regarding significant traffic improvements. Ms. Camp also stated that KS did not have any plans to build a Ka Uka Boulevard land bridge at this time.

Ms. Lim objected to the direction of OP's questioning. Chair McDonald allowed the questioning to continue. Ms. Camp described how KS would assist Castle & Cooke's development efforts and assist SunEdison with completing the proposed project.

Redirect

Ms. Lim requested clarification on what KS would be amenable to in assisting Castle & Cooke in the Waiawa area and what DOT 's recommendations regarding the proposed project were. Ms. Camp described how KS would participate in assisting Castle & Cooke's efforts and provided her recollection of the DOT recommendations to the Commission.

Commissioner Questions

Commissioner Scheuer requested clarification on the history of development efforts for the Petition Area due to the significant amount of time that had passed since the original Decision and Order was granted and discussion occurred regarding the feasibility of reverting the land use designation from urban to agriculture to accommodate this proposed project and then seeking an urban designation later near the decommissioning of the facility. Ms. Camp provided her perspective of why the development originally proposed had not occurred and shared her reasons why the reversion of the land use designation of the Petition Area was not feasible for or acceptable to KS.

There were no further questions for Ms. Camp.

DPP's WITNESSES

None.

OP's WITNESSES

Mr. Yee stated that OP had one witness, Rodney Funakoshi and that the other two witnesses in the areas of traffic and archaeology would not be appearing since those issues had been resolved with Petitioner.

1. Rodney Funakoshi, Office of Planning Land Use Administrator.

Mr. Funakoshi was offered, qualified and accepted as an expert witness in the area of land use and environmental planning. Mr. Funakoshi described how his agency had reviewed the Petition and determined its position in the matter.

Questions for Mr. Funakoshi
Petitioner

Ms. Lim requested clarification on whether the Petition conformed to the State Plan. Mr. Funakoshi acknowledged that it did and described the State's Clean Energy Initiative. Mr. Funakoshi stated that the original LUC approval did not include a timeline for development and Mr. Yee stipulated that the requirement for Petitioner's compliance with substantial representations was not included in the 1988 Decision and Order.

DPP- No questions

OP Redirect- No Redirect

Commissioners- No questions

Commissioner Ahakuelo requested a brief recess. Chair McDonald acknowledged his request and declared a recess.

The Commission went into recess at 3:25 pm. and reconvened at 3:34 p.m.

Chair McDonald recognized and allowed Mr. Purcell to provide testimony. Mr. Purcell declined to affirm the truthfulness in his testimony and provided his perspective of how the Commission should conduct its meeting in accordance with his perception of the Sunshine Law. Chair McDonald asked if Mr. Purcell had anything relevant to the matters under discussion. Mr. Purcell replied that he did not.

There were no questions for Mr. Purcell.

Chair McDonald asked if the Commissioners had any more questions for the Parties. There were no questions and Chair McDonald declared the evidentiary portion of the proceeding concluded and instructed the Parties to present their oral arguments.

Mr. Yee had a procedural question regarding what the Commissioners voting intentions were and how matters would be addressed. Chair McDonald responded that it was the intent of the Commission to vote on all aspects of the case and its conditions.

CLOSING ARGUMENTS

Petitioner

Ms. Lim summarized the points that she had presented to the Commission and argued why they were valid and worthy to consider for granting the Petition.

DPP

Mr. Lewallen stated that if Petitioner proceeded as described in its proposed plan, DPP had no objections to the material that had been presented.

OP

Mr. Yee reviewed HAR 15-15-94 which empowers the Commission to amend or modify a decision for good cause and described how it applied to this docket and on what basis OP's Proposed Findings of Fact, Conclusions of Law and Decision & Order had been constructed; and why OP supported the motion.

Rebuttal
None

COMMISSIONER QUESTIONS

Commissioner Wong requested clarification from Mr. Suzuki on whether the action of putting conditions in abeyance would affect the Turtle Bay issue. Mr. Suzuki provided his perspective on the matter and described how the two circumstances differed.

DECISION-MAKING

Commission Wong moved and Commissioner Ahakuelo seconded the Motion to enter into Executive Session. The Commission entered Executive Session at 4:08 p.m. and reconvened at 4:21 p.m.

Commissioner Wong stated his concerns about granting a Petition without actually seeing the documents and verifying the information and conditions that had been agreed upon and asked if it were possible for the Parties to provide a preliminary draft of the conditions and the proposed decision and order for the Commission. Discussion ensued to determine how a

stipulated order and conditions could be worked on and presented to LUC staff in time for a hearing on November 12-13, 2014.

Commissioner Scheuer questioned whether the DOT review of the proposed project plans would be included as part of the decision making. Ms. Lim clarified that the DOT portion of the Petition concerned traffic assessments for the two phases of the proposed project and that the assessment had to be accepted, and deemed approved by the SOT to allow SunEdison to begin work.

Commissioner Aczon requested clarification on when construction would begin for each phase. Ms. Lim described how the traffic assessment would be provided to DOT, reviewed internally and then by DPP to obtain the necessary permits.

Commissioner Scheuer requested clarification on whether Petitioner was going to move forward with the original Gentry plan. Ms. Lim responded that it was unlikely that the original Gentry plan would be pursued and that it was more likely that certain portions of the plan might be implemented depending on KS analysis of various considerations and market conditions.

There were no further questions and Chair McDonald announced that formal deliberations on the Petition would commence. All Commissioners present declared that they were prepared to deliberate.

Commissioner Wong stated that he would still like to have a stipulated document from the Parties to review to ensure that he understood what was being agreed upon.

Chair McDonald noted that the first part of the Successor Petitioner's request could be acted upon at this meeting and the action on the Amendment to the Amended Finding of Fact, Conclusions of Law and Decision & Order could be acted upon at the next meeting. Commission Aczon agreed and moved to recognize Kamehameha Schools as the successor Petitioner with standing to seek and obtain the relief requested by the Motion. Commissioner Ahakuelo seconded the motion. There was no discussion.

The Commission voted unanimously (6-0- 1 excused) to recognize Kamehameha Schools as the Successor Petitioner.

Chair McDonald acknowledged that action was still required to address the second part of the motion to issue an order modifying the Commission's FOF, COL, D&O dated 5/17/1988 as amended by Commission's November 30, 1999 *Order Amending Condition No. 6 of the D&O dated 5/17/1988* to expressly authorize the use of portion of the KS Property for solar farm development for an interim period not to exceed 35 years and determined that the Parties

should make their best efforts to submit a stipulated Decision and Order by November 5, 2014 for the Commission for review.

Ms. Lim described how Petitioner was prepared to comply with the November 5, 2014 submittal date. Mr. Yee commented that OP would do its best to comply and described the difficulties he would have in meeting the established deadline. Chair McDonald encouraged the Parties to do their best to meet the deadline.

Discussion occurred on whether the court reporter could provide the transcripts of the day's proceedings in time for the Parties to use. Chair McDonald instructed the court reporter and the Parties to do their best to collaborate and deliver the stipulated document on time.

There being no further action or other business on Docket No. A87-610, Chair McDonald declared that the Executive Session portion of the agenda would be deferred to a subsequent meeting.

Ms. Lim requested clarification on when the docket would next be heard. Chair McDonald replied that it would likely be during the November 12-13, 2014 meeting.

There being no further action or other business, Chair McDonald declared the meeting adjourned at 4:57 p.m.