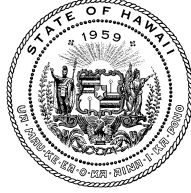


LINDA LINGLE
GOVERNOR

JAMES R. AIONA, JR.
LT. GOVERNOR



KURT KAWAFUCHI
DIRECTOR OF TAXATION

STANLEY SHIRAKI
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF TAXATION
P.O. BOX 259
HONOLULU, HAWAII 96809

PHONE NO: (808) 587-1510
FAX NO: (808) 587-1560

LETTER RULING NO. 2009-08

[Redacted Text]
[Redacted Text]
[Redacted Text]
[Redacted Text]
Honolulu, Hawaii [Redacted Text]

November 23, 2009

RE: REQUEST FOR INCREASE IN COMFORT RULING CREDIT CAP

Dear [Redacted Text]:

This letter responds to your November 2, 2009, request for an increase in the amount of cash investments that may rely on the conclusions set forth in the [Redacted Text] (the Company) original comfort ruling dated [Redacted Text].

As you know, the conclusions drawn in the Company's original comfort ruling included a proviso capping the amount of cash invested into the Company at \$7,000,000. In justifying your request to increase the cash investment cap, you provided me with a narrative detailing the Company's accomplishments to date. Some of the pertinent facts relative to the Company's success include: expenditures of considerable time, money, and resources directly related to increasing the Company's qualified research, namely [Redacted Text]; the production of various performing arts products and entering into contracts for development of future performing arts products; a stated priority of hiring local talent; the utilization of additional investment funds to hire additional employees and service new projects; and the Company's characterization that it is now a proven market participant and not a "start-up" trying to break into a new industry.

Based upon the facts provided as justification for the comfort ruling credit cap increase, the Department is increasing the ceiling in the original comfort ruling by \$8,000,000. This increase raises the total amount of investments that may rely upon the comfort ruling's conclusions to \$15,000,000 in the aggregate.

You may utilize this letter in association with the Company's original comfort ruling to

Letter Ruling No. 2009-08

[Redacted Text]

November 23, 2009

Page 2 of 2

advise potential investors of the increased investment credit ceiling. Investments totaling not more than \$15,000,000 in the aggregate may rely upon the conclusions set forth in the [Redacted Text] comfort ruling.

This letter supplements the Company's comfort ruling dated [Redacted Text]. No independent verification of the Company's activities was made and the decision to increase the cash investment ceiling was based upon the representations made by the Company. If it is later determined that our understanding of the representations are not correct, incomplete, or later change in any material respect, the Department reserves the right to modify its conclusions accordingly.

If you have any further questions regarding this matter, please call me at (808) 587-1569.

Very truly yours,

JOSEPH B. TICHY
Administrative Rules Specialist