

BENJAMIN M. MATSUBARA, #993-0
CURTIS T. TABATA, #5607-0
Matsubara, Kotake & Tabata
888 Mililani Street, Suite 308
Honolulu, Hawai'i 96813



Attorneys for Applicant
KUIHELANI SOLAR PHASE 2, LLC

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Application of

KUIHELANI SOLAR PHASE 2, LLC

To obtain a County Special Use Permit and State Special Permit to construct and operate the Kūihelani Solar Phase 2 Project, an approximately 40-megawatt (MW) ground-mounted solar photovoltaic system, 160 megawatt-hour (MWh) battery energy storage system, a Project electrical substation, a Maui Electric Company, Ltd. (MECO) switchyard and interconnection lines, other ancillary facilities, compatible agricultural activities on approximately 476.303 acres of land in the State and County Agricultural Districts, located within a 3,898-acre parcel of land identified by Tax Map Key No. (2) 3-8-005:002-0003 (por.), Maui Hawai'i

DOCKET NO. SP26-417

APPLICANT KUIHELANI SOLAR PHASE 2, LLC'S MEMORANDUM RE KUIHELANI SOLAR PHASE 2 PROJECT STATE SPECIAL PERMIT APPLICATION FILED OCTOBER 20, 2025; EXHIBIT "A"; DECLARATION OF CURTIS T. TABATA; CERTIFICATE OF SERVICE

APPLICANT KUIHELANI SOLAR PHASE 2, LLC'S
MEMORANDUM RE KUIHELANI SOLAR PHASE 2 PROJECT
STATE SPECIAL PERMIT APPLICATION FILED OCTOBER 20, 2025

Comes now, Applicant KUIHELANI SOLAR PHASE 2, LLC (“Applicant”), an affiliate of AES, by and through its attorneys MATSUBARA, KOTAKE & TABATA, hereby submits its Memorandum Re Kuihelani Solar Phase 2 Project State Special Permit Application filed October 20, 2025 (“Application”).

The Kuihelani Solar Phase 2 Project (“Project”) is a 40-megawatt solar photovoltaic system and a 160 megawatt-hour battery energy storage system, together with a Project electrical substation, a Maui Electric Company, Ltd. switchyard and interconnection lines, other ancillary facilities, and compatible agricultural activities.

On May 26, 2026, the Maui Planning Commission held a hearing on the Application and voted to recommend approval of the Application.

The adoption hearing for the Findings of Fact, Conclusions of Law and Decision and Order recommending approval of the Application is tentatively scheduled for July 14, 2026.


The Land Use Commission (“LUC” or “Commission”) hearing on the Application is tentatively scheduled for August 19, 2026.

The intent of this Memorandum is to file with the LUC a copy of the Application to provide the public more time to review the Application, which is over 2,000 pages long. Accordingly, the Application is attached hereto as Exhibit “A.” It has been confirmed to be ADA compliant so that it can be uploaded to the LUC website and made available for review.

DATED: Honolulu, Hawai'i, June 26, 2026.

Of Counsel:

MATSUBARA, KOTAKE & TABATA
A Law Corporation



BENJAMIN M. MATSUBARA
CURTIS T. TABATA
Attorneys for Applicant
KUIHELANI SOLAR PHASE 2, LLC

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

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KUIHELANI SOLAR PHASE 2, LLC

To obtain a County Special Use Permit and State Special Permit to construct and operate the Kūihelani Solar Phase 2 Project, an approximately 40-megawatt (MW) ground-mounted solar photovoltaic system, 160 megawatt-hour (MWh) battery energy storage system, a Project electrical substation, a Maui Electric Company, Ltd. (MECO) switchyard and interconnection lines, other ancillary facilities, compatible agricultural activities on approximately 476.303 acres of land in the State and County Agricultural Districts, located within a 3,898-acre parcel of land identified by Tax Map Key No. (2) 3-8-005:002-0003 (por.), Maui Hawai'i

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DECLARATION OF CURTIS T. TABATA

DECLARATION OF CURTIS T. TABATA

Curtis T. Tabata states as follows:

1. I am over 18 years of age, and I am one of the attorneys representing Applicant KUIHELANI SOLAR PHASE 2, LLC, the petitioner in the above-entitled matter. I have personal knowledge of the matters set forth in this Declaration, and, if called upon to testify, I could and would competently testify thereto.

2. Attached to the Memorandum Re Applicant Kūihelani Solar Phase 2 Project Application for State Special Permit Application filed October 20, 2025 ("Memorandum") as Exhibit "A" is a true and correct copy of Applicant Kūihelani

Solar Phase 2, LLC's Kuihelani Solar Phase 2 Project Application for State Solar
Special Permit Application filed with the Maui Planning Commission of October 20,
2025.

I declare under penalty of law that the foregoing is true and correct.

Executed this 26th day of June, 2026.



CURTIS T. TABATA

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Application of
KŪIHELANI SOLAR PHASE 2, LLC

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CERTIFICATE OF SERVICE

To obtain a County Special Use Permit and State Special Permit to construct and operate the Kūihelani Solar Phase 2 Project, an approximately 40-megawatt (MW) ground-mounted solar photovoltaic system, 160 megawatt-hour (MWh) battery energy storage system, a Project electrical substation, a Maui Electric Company, Ltd. (MECO) switchyard and interconnection lines, other ancillary facilities, compatible agricultural activities on approximately 476.303 acres of land in the State and County Agricultural Districts, located within a 3,898-acre parcel of land identified by Tax Map Key No. (2) 3-8-005:002-0003 (por.), Maui Hawai'i

CERTIFICATE OF SERVICE

I hereby certify that an e-stamped copy of the foregoing document with a CD copy of Exhibit "A" was duly served upon the following **AS INDICATED BELOW** on

June 26, 2026.

MARY ALICE EVANS, DIRECTOR
Office of Planning and Sustainable Development, State of Hawai'i
235 South Beretania Street, Room 600
Honolulu, HI 96813

HAND-DELIVERY

ALISON S. KATO, ESQ.
Deputy Attorney General
Department of the Attorney General, State of Hawai'i
425 Queen Street
Honolulu, HI 96813

HAND-DELIVERY

MICHAEL JASON HOPPER, ESQ.
Deputy Corporation Counsel
Department of the Corporation Counsel
County of Maui
200 S. High Street, 3rd Floor
Wailuku, HI 96793

U.S. CERTIFIED MAIL
RETURN RECEIPT
REQUESTED

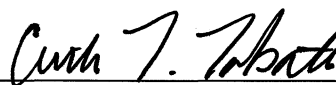
JACKY TAKAKURA, DIRECTOR
Planning Department
County of Maui
2200 Main Street, Suite 315
Wailuku, HI 96793

U.S. CERTIFIED MAIL
RETURN RECEIPT
REQUESTED

DATED: Honolulu, Hawai'i, June 26, 2026.

Of Counsel:

MATSUBARA, KOTAKE & TABATA
A Law Corporation



BENJAMIN M. MATSUBARA

CURTIS T. TABATA

Attorneys for Applicant

KUIHELANI SOLAR PHASE 2, LLC