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LAND USE COMMISSION  
STATE OF HAWAI'I  
HEARING AND ACTION )  
DOCKET NO. A92-683 HALEKUA DEVELOPMENT)  
CORPORATION )  
\_\_\_\_\_)

TRANSCRIPT OF PROCEEDINGS

The above-entitled matter came on for a Public Hearing and Action meeting at Honolulu Airport Conference Center, 400 Rodgers Blvd., Suite 700, Room #3, Honolulu, Hawai'i, commencing at 9:00 a.m. on August 22, 2013, pursuant to Notice.

REPORTED BY: HOLLY M. HACKETT, CSR #130, RPR  
Certified Shorthand Reporter

## A P P E A R A N C E S

COMMISSIONERS:  
SHELDON BIGA  
KYLE J.K. CHOCK  
DENNIS ESAKI  
RONALD HELLER  
LANCE INOUYE  
ERNEST MATSUMURA  
CHAD McDONALD  
CAROL TORIGOE

EXECUTIVE OFFICER: DAN ORODENKER  
CHIEF CLERK: RILEY HAKODA  
STAFF PLANNER: SCOTT DERRICKSON

DEPUTY ATTORNEY GENERAL: PAT OHARA, ESQ.

AUDIO TECHNICIAN: WALTER MENCHING

Docket No. A92-683 HALEKUA DEVELOPMENT CORP.

For the Petitioner: WYETH MATSUBARA, ESQ.  
CURTIS TABATA, ESQ.  
STANFORD CARR

For the County: DAWN TAKEUCHI-APUNA, ESQ.  
Deputy Corporation Counsel

For the State: BRYAN YEE, ESQ.  
Deputy Attorney General  
RODNEY FUNAKOSHI, OP

## I N D E X

DOCKET WITNESSES

PAGE

GARY ASHIKAWA

15

1 CHAIRPERSON HELLER: (gavel) Let's call  
2 the meeting to order and get started. First order of  
3 business is the adoption of minutes from our meeting  
4 of August 8th, 2013. Does anybody have any comments  
5 or corrections on the minutes? If not is there a  
6 motion to approve?

7 COMMISSIONER BIGA: So moved.

8 COMMISSIONER ESAKI: Second.

9 CHAIRPERSON HELLER: All in favor.

10 "Aye". Any opposed? Minutes are approved.  
11 Next order of business is the tentative meeting  
12 schedule. Mr. Orodenger would you update us on the  
13 schedule.

14 MR. ORODENER: Thank you, Mr. Chair. On  
15 September 5th and 6th, we will be at the Maui  
16 Courtyard Kahului Airport for 2 items: Koanaulu Ranch  
17 to establish the LUC as accepting authority for their  
18 revised EIS.

19 Second thing will be the CMBY Investment  
20 LLC hearing. We will also be having a short hearing  
21 afterwards for our public rules. The Commissioners  
22 are not required to attend that meeting.

23 On September 18th through 20th we will be  
24 on the Big Island for the HCPO. There's no meeting  
25 scheduled for that time period. However, we will be

1 having another public hearing on our rules.

2 On October 4th we will be having a video  
3 conference. The only item on the agenda anticipated  
4 at this point is a LUC approval to proceed with the  
5 next phase of the Administrative Rules.

6 October 17th we will be having oral  
7 argument on Maui for Maui R&T and decision-making.

8 October 18th is currently to be determined.

9 November 7th to 8th we will be having a  
10 meeting here on O'ahu Kuilima Development  
11 Corporation's Defend O'ahu Coalition's renewed Motion  
12 Issuance for an Order to Show Cause.

13 CHAIRPERSON HELLER: Thank you.

14 COMMISSIONER ESAKI: May I?

15 CHAIRPERSON HELLER: Yes.

16 COMMISSIONER ESAKI: On A13-797 CMBY due to  
17 potential conflict with my relationship with  
18 Goodfellow Brothers I will recuse myself from this  
19 Application.

20 CHAIRPERSON HELLER: So noted. Thank you  
21 for informing us.

22 The next order of business is hearing an  
23 action meeting on docket A92-683 Halekua Development  
24 Corporation Motion for Order Amending Amended Findings  
25 of Fact, Conclusions of Law, and Decision and Order

1 dated October 1, 1996. First will the parties  
2 identify themselves for the record.

3 MR. WYETH MATSUBARA: Chair, Commissioners,  
4 good morning. Wyeth Matsubara and Curtis Tabata on  
5 behalf of Canpartners IV Royal Kunia Property, LLC.  
6 With us today is also Stanford Carr designated  
7 representative for the Petitioner.

8 MS. TAKEUCHI-APUNA: Good morning. Deputy  
9 Corporation Council Dawn Takeuchi-Apuna on behalf of  
10 the Department of Planning and Permitting.

11 MR. YEE: Good morning. Deputy Attorney  
12 General Bryan Yee on behalf of the Office of Planning.  
13 With me is Rodney Funakoshi from the Office of  
14 Planning. We also have Mr. Gary Ashikawa from the  
15 Department of Transportation should the LUC have any  
16 questions.

17 CHAIRPERSON HELLER: Thank you. Let me  
18 update the record. On August 12, 2009 the Commission  
19 received correspondence from Petitioner and a copy of  
20 Mortgagee's Quitclaim Deed sent at the request of  
21 Canpartners IV Royal Kunia Property, LLC.

22 On July 15, 2013 the Commission received  
23 Petitioner's Motion for Order Amending Amended  
24 Findings of Fact, Conclusions of Law and Decision and  
25 Order dated October 1 1996 and Exhibits 1 through 7.

1           On July 18, 2013 the Commission received  
2           Petitioner's First Supplement to its Motion for Order  
3           and Exhibit 8.

4           On July 19, 2013 the Commission received  
5           correspondence from Senator Michelle Kidani regarding  
6           the motion and responded to the Senator on July it 22,  
7           2013.

8           Of July 23, 2013 the Commission received  
9           City and County of Honolulu's comment letter stating  
10          no objection to Petitioner's Motion.

11          On August 13, 2013 the Commission received  
12          Petitioner's Second Supplement to its Motion for Order  
13          and Exhibit 9.

14          On August 14, 2013 the Commission mailed  
15          the agenda for the August 22-23, 2013 meeting to  
16          parties and the statewide and O'ahu mailing lists.

17          On August 15, 2013 the Commission received  
18          Petitioner's Errata to the Second Supplemental Motion  
19          for Order Amending the Amended A92-683 D&O.

20          Mr. Matsubara, has our staff informed you  
21          of the Commission's policy regarding the reimbursement  
22          of hearing expenses?

23                 MR. WYETH MATSUBARA: Yes, Chair. And we  
24                 will comply.

25                 CHAIRPERSON HELLER: Thank you. Let me

1 briefly describe our procedures for today on this  
2 docket. First, I will call those individuals desiring  
3 to provide public testimony to identify themselves.  
4 All such individuals will be called in turn to our  
5 witness box where they will be sworn in prior to their  
6 testimony.

7           The Commission will then hear argument only  
8 the motion. At the conclusion of the arguments on the  
9 motion, and after any questions from the Commissioners  
10 and the answers thereto the Commission will conducted  
11 its deliberations. Are there any questions on our  
12 procedure for today?

13           MR. WYETH MATSUBARA: No questions.

14           VICE CHAIR HELLER: Let me also add at this  
15 moment, I'm not sure if I've made this disclosure in  
16 this docket. I apologize if this is repetitive, but  
17 just to make sure I'll do it again.

18           In my law practice I represent taxpayers in  
19 real property tax appeals. In some cases where  
20 they're on O'ahu the adverse party would be the City  
21 and County of Honolulu. Therefore my clients are  
22 adverse to the City in certain matters that are  
23 unrelated to this case.

24           I'm simply making that disclosure for the  
25 record in case anybody has any objection to my



1 participating. If so now would be the time to raise  
2 that. (No comments) Okay. Thank you. Do we have  
3 any public witnesses signed up?

4 MR. ORODENKER: No, Mr. Chair we do not.

5 CHAIRPERSON HELLER: Are there any  
6 individuals in the room desiring to provide public  
7 testimony? Seeing none, Mr. Matsubara, are you ready  
8 to make your presentation?

9 MR. WYETH MATSUBARA: Yes, Chair, thank  
10 you.

11 CHAIRPERSON HELLER: Please go ahead.

12 MR. WYETH MATSUBARA: Chair, Commissioners,  
13 Canpartners IV Royal Kunia Property, LLC requests that  
14 the Commission provide for an order: First  
15 recognizing Canpartners IV Royal Kunia Property, LLC's  
16 standing to bring this motion in this matter and to  
17 obtain the relief requested.

18 And (2), to amend the Findings of Fact,  
19 Conclusions of Law and Decision and Order filed  
20 October 1st, 1996 to modify Condition 2 to clarify  
21 that improvements south of the cane haul road  
22 intersection are considered regional improvements and  
23 that the improvements north of the cane haul road  
24 intersection with Kunia Road are considered local  
25 improvements with the responsibility of Petitioner, as

1 stated in our second supplement, which was filed on  
2 August 13, 2013.

3 In regards tor standing of this Petition,  
4 we believe that we have met the requirements to bring  
5 this motion. We hereby request that the Commission  
6 recognize Petitioner's standing to speak and obtain  
7 the relief requested today.

8 To provide this Commission with some  
9 backgrounds of the area: The location of Royal Kunia  
10 Phase 2 Project and the proposed Kunia Interchange is  
11 approximately north of 'Ewa Plains on O'ahu. I don't  
12 have an overview map of the area but this is generally  
13 the intersection we're talking about.

14 What we're here today to seek permission  
15 from the Commission is basically that as Condition  
16 2 reads as today it is not as clear to the  
17 responsibility for improvements for this highway. So  
18 we just wanted to clarify, with DOT's assistance,  
19 clarify that everything north of Cane Haul  
20 intersection here is definitely the responsibility of  
21 the Petitioner. However, improvements south of Cane  
22 Haul Road to the intersection are deemed to be  
23 regional based on our traffic studies.

24 As a background to how this started:  
25 Petitioner had been working on lane foundation design

1 and planning for the Royal Kunia Phase 2 project.  
2 Within that planning and design work, after receiving  
3 a planned development housing permit from the city and  
4 county in about 2009, the preliminary engineering for  
5 the development Project indicated that the highway  
6 improvements for the interchange, were regional in  
7 nature and not due or should be triggered solely to  
8 the Project.

9           So at that time Petitioner entered  
10 discussions with DOT to get some clarity and identify  
11 the issues involved. We filed a motion amending with  
12 certain language to indicate what our desires were and  
13 the changes.

14           Subsequent to that first Motion to Amend we  
15 received further comments from the Department of  
16 Transportation regarding improvement evaluations. And  
17 we, again, went back and entered into the further  
18 discussions with DOT to discuss what were the issues  
19 and further clarify our responsibilities regarding the  
20 traffic improvements.

21           So as we sit here today we're asking for  
22 this Commission to approve an amendment to the 1996  
23 Decision and Order to clarify that that interchange  
24 area south of Cane Haul Road is in fact regional so  
25 that Petitioner may finalize plans to break ground in

1 2014. We are open to questions if there's any  
2 questions.

3 CHAIRPERSON HELLER: Commissioners, any  
4 questions at this time? City?

5 MS. TAKEUCHI-APUNA: The City has no  
6 objections to Petitioner's Motion basically because,  
7 one, it's a state road so we don't believe it's part  
8 of our kuleana. And we also agree because of the  
9 agreement that we see between DOT and the Petitioner.

10 CHAIRPERSON HELLER: OP?

11 MR. YEE: Thank you. The Office of  
12 Planning is in agreement with the motion as currently  
13 phrased pursuant to the Second Supplemental  
14 Memorandum. We would also ask that certain findings  
15 of fact be either added or amended in order to justify  
16 this change.

17 We think, as this motion has finally come  
18 before you today, it's a fairly simple matter as the  
19 parties are all in agreement, I think the issue's  
20 been fully vetted. I do apologize for the lateness  
21 of some of our filings. Unfortunately sometimes  
22 simple takes a long time to get to.

23 So there were a lot of discussions that  
24 were occurring on this. So it took us a while before  
25 we could finally get it to a point where we could all

1 agree and come to you with hopefully a very simple  
2 motion.

3           The findings of fact basically assure both  
4 you and the public that the Department of  
5 Transportation and the Petitioner have analyzed these  
6 issues and there are reasons why we're making these  
7 changes.

8           As you will notice from the map that they  
9 supplied, the Cane Haul Road is very close to the  
10 Kunia Interchange. There was perhaps some question as  
11 to exactly where the Kunia Interchange started and  
12 stopped. The Cane Haul Road's just a very good, easy  
13 demarcation for everyone to understand where does the  
14 regional improvements start, and therefore have to be  
15 shared among the various parties. And where is it a  
16 local and that has to be improved.

17           We've also included provision for interim  
18 measures. There's a particular interim measure that's  
19 being considered, specifically the condition requires  
20 three north-bound lanes and a right-turn lane.

21           And so one of the interim measures being  
22 looked at or actually the major interim measure being  
23 looked is allowing there to be a shared through and  
24 right-turn lane rather than three through lanes and  
25 one right turn. So that's provided for and

1 specifically allowed for in this case.

2           Then, finally, it does update the  
3 conditions to clearly indicate the Traffic Impact  
4 Study and the Kunia Interchange Alternatives Analysis  
5 would be done by a particular point in time or point  
6 in the process to, again, assure everyone there's some  
7 concern about the Kunia Interchange I think, about the  
8 status of that.

9           So we just want to make sure everyone  
10 understood that that is being reviewed. That has not  
11 been forgotten, will be a part of this process as  
12 well.

13           With that I think the Office of Planning is  
14 in full support of this motion with the proviso, with  
15 the request that the proposed findings of fact be added  
16 and/or amended as set forth in our memorandum.

17           Mr. Ashikawa from the Department of  
18 Transportation is here if you have any questions. But  
19 we don't intend to affirmatively bring him as a  
20 witness. Thank you.

21           CHAIRPERSON HELLER: Commissioners, any  
22 other questions? I have a question. This may be in  
23 part for the Department of Transportation. As to the  
24 proposed regional improvements, do we know at this  
25 point who all the parties would be that would be

1 participating in those regional improvements and the  
2 cost of those?

3 MR. YEE: I can't say we know for sure  
4 every one. But if the question might be directed at  
5 add: Is Ho'opili one of the parties? The answer  
6 would be yes.

7 There's the possibility, I think of --  
8 there's a piece of land for Robinson that could play a  
9 role. But, frankly, the major player is probably  
10 Ho'opili. Would you like me to ask if there are any  
11 more specificity, I could provide you with  
12 Mr. Ashikawa.

13 CHAIRPERSON HELLER: I'd be interested and  
14 also if there's any further information he can give us  
15 as to the process for arriving at a cost-sharing  
16 formula.

17 MR. YEE: Okay. Mr. Ashikawa can be a  
18 public witness.

19 CHAIRPERSON HELLER: Sure.

20 GARY ASHIKAWA  
21 being first duly sworn to tell the truth, was examined  
22 and testified as follows:

23 THE WITNESS: Yes.

24 CHAIRPERSON HELLER: Thank you.

25 THE WITNESS: Regarding parties that would

1 be involved in the regional fair-share contribution to  
2 the Kunia Interchange improvements, a Bryan has  
3 indicated the parties would be Royal Kunia 2, the  
4 Ho'opili Project. And there are several other  
5 projects within the regional area extending out to  
6 Kapolei that would also be participating.

7           The way we determined the regional  
8 fair-share is through the impacts that a particular  
9 project generates at a given point, and in this case  
10 the Kunia Interchange. So the traffic volume that  
11 they would generate in relation to the base traffic  
12 volume at the interchange without their Project would  
13 be generally the way we determine their fair-share.

14           CHAIRPERSON HELLER: And you would get  
15 those numbers from the TIAR's?

16           THE WITNESS: From the TIAR's that's  
17 correct.

18           CHAIRPERSON HELLER: So your process for  
19 reviewing and approving the TIAR also affects how the  
20 cost sharing works.

21           THE WITNESS: Yes.

22           CHAIRPERSON HELLER: Thank you. That  
23 answers my questions. Commissioners, anything else?

24           VICE CHAIR McDONALD: Quick one. As to the  
25 regional improvements to Kunia Interchange, Bryan had



1 mentioned what was previously on the table is 3  
2 through lanes, one right-turn lane along Kunia Road.  
3 Is that all that's being proposed as far as the  
4 regional improvements?

5 THE WITNESS: Ah, no. There are other  
6 improvements also. But the regional analysis, their  
7 alternatives for the interchange hasn't been completed  
8 yet. So we've requested Royal Kunia to provide us  
9 with some alternative layouts for the interchange for  
10 an ultimate condition for future years 2025 I guess is  
11 their total buildout year. And ho'opili is a little  
12 past that I think.

13 So we're looking at what the ultimate  
14 traffic would be at a given future year and determine  
15 alternative improvements that would be required. So  
16 we're waiting for their interchange report to be  
17 completed as well as Ho'opili's.

18 VICE CHAIR McDONALD: Okay. Thank you.

19 MR. YEE: Chair, could I follow up just  
20 briefly on the question?

21 CHAIRPERSON HELLER: Sure.

22 MR. YEE: Commissioner McDonald asked you  
23 about the regional improvements that would be done.  
24 Are the three northbound bound through lanes and the  
25 right-turn lane a regional or a local improvement on

1 Kunia Road?

2 THE WITNESS: Well, the 3 north-bound lanes  
3 would be regional up to the Cane Haul Road as our  
4 agreed upon demarcation line.

5 MR. YEE: And then past that?

6 THE WITNESS: Past that would be the  
7 responsibility of the Petitioner. So all of the costs  
8 related to improvements above the Cane Haul Road would  
9 be funded by the Petitioner.

10 MR. YEE: Just wanted to point that out  
11 because a TIAR, if you read through it, does do an  
12 intersection analysis of north of south Kupuna Loop  
13 which is north of the Cane Haul Intersection Road.  
14 Those indicate that without the Project those  
15 intersections are fine. With the Project the  
16 intersections go back to E or F.

17 So the improvements to those intersections  
18 including those northbound lanes and right-turn lane  
19 we had considered to be local or direct.

20 VICE CHAIR McDONALD: Thanks, Bryan.

21 CHAIRPERSON HELLER: Thank you. Anything  
22 further? Thank you very much. Petitioner, I don't  
23 know if you really need rebuttal but is there anything  
24 else you wish to say for the record?

25 MR. WYETH MATSUBARA: No. We just

1 appreciate the Commission's time. And like Bryan  
2 said, we also appreciate staff's time for letting us  
3 do the filings. The amount of time that was spent  
4 between the client, Stanford's office and DOT was  
5 extremely time consuming. I think that Bryan and I  
6 felt had a comfort level over these because those two  
7 were working together. There was never a point in  
8 time where Stanford said, "I don't want to do things."

9 It was, like, "Hey, let's be clear what is truly  
10 regional and what is truly Project-triggered." DOT  
11 saw that and they were able to work out an agreement  
12 as to what it is.

13 We feel very comfortable with what we  
14 proposed today. We appreciate Bryan and DOT's  
15 assistance in this matter. We humbly ask for your  
16 vote today for that.

17 CHAIRPERSON HELLER: Commissioners, what is  
18 your pleasure? Commissioner Inouye.

19 COMMISSIONER INOUE: Thank you. I would  
20 move both requests, the change in parties as well as  
21 the clarification on the provision on what is a  
22 regional responsibility and what is the responsibility  
23 of the Petitioner that is north of Cane Haul Road is  
24 the Petitioner's responsibility. And south of that  
25 would be a regional responsibility.

1 COMMISSIONER CHOCK: Second.

2 CHAIRPERSON HELLER: Any comment or  
3 discussion? If not, Mr. Orodenger will you call the  
4 role.

5 MR. ORODENER: Thank you, Mr. Chair.  
6 Commissioner Inouye?

7 COMMISSIONER INOUE: Yes.

8 MR. ORODENER: Commissioner Chock?

9 COMMISSIONER CHOCK: Yes.

10 MR. ORODENER: Commissioner Matsumura?

11 COMMISSIONER MATSUMURA: Yes.

12 MR. ORODENER: Commissioner Biga?

13 COMMISSIONER BIGA: Yes.

14 MR. ORODENER: Commissioner Torigoe?

15 COMMISSIONER TORIGOE: Yes.

16 MR. ORODENER: Commissioner McDonald?

17 VICE CHAIR McDONALD: Yes.

18 MR. ORODENER: Commissioner Esaki?

19 COMMISSIONER ESAKI: Yes.

20 MR. ORODENER: Chair Heller?

21 CHAIRPERSON HELLER: Yes.

22 MR. ORODENER: Mr. Chair, the motion  
23 passes unanimously.

24 CHAIRPERSON HELLER: Thank you. Any  
25 further business to be raised?

1 MR. YEE: Chair, could I ask a  
2 clarification?

3 CHAIRPERSON HELLER: Yes.

4 MR. YEE: Did the motion include the  
5 proposed amendments from the Office of Planning to the  
6 findings of fact?

7 CHAIRPERSON HELLER: That is a good  
8 question. What was your intent?

9 COMMISSIONER INOUE: Thank you, Bryan.  
10 It's approving the second amendment or the motion in  
11 the second...

12 MR. YEE: Second supplemental. But their  
13 second supplemental included amendments to the  
14 conditions. Our memorandum included amendments to  
15 findings. So I was just wondering if your motion  
16 included the amendments to the findings of fact as well  
17 as to the conditions.

18 COMMISSIONER INOUE: I apologize. What  
19 were your changes to the proposed?

20 MR. YEE: In the Office of Planning's  
21 response the Petitioner we added a paragraph Finding  
22 of Fact 160A and an amendment to paragraph -- to  
23 Finding of Fact 161. The amendment to paragraph 161  
24 just notes, just brings into conformity with the  
25 condition that is the Finding of Fact 161 previously

1 said, talked about the area between the Kunia  
2 Interchange and the northernmost boundary. They  
3 changed that to between the Cane Haul intersection and  
4 the northernmost boundary.

5 Finding of Fact 160A really updates the  
6 findings of fact which are justifying why we're making  
7 changes today. It talks about the agreements between  
8 the Department of Transportation and the Petitioner  
9 and the discussions that they had including the third  
10 northbound lane as well as the additional findings,  
11 the additional analyses and studies that will be  
12 required.

13 COMMISSIONER INOUE: May I ask the  
14 Petitioner if they have any objection or the County  
15 objections to OP's request?

16 MR. WYETH MATSUBARA: We have no objections  
17 to OP's request for the proposed changes in the  
18 findings of fact as noted.

19 MS. TAKEUCHI-APUNA: We have no objections  
20 either.

21 COMMISSIONER INOUE: Okay. I'll amend my  
22 motion to include the OP's request to add the findings  
23 of fact and changes to the second amendment.

24 CHAIRPERSON HELLER: Okay. And who was the  
25 second? Commissioner Chock, is the amendment okay

1 with you?

2 COMMISSIONER CHOCK: Yes.

3 CHAIRPERSON HELLER: Just because it was  
4 not clear when we took the original vote, I think  
5 maybe we should call the roll again.

6 MR. ORODENKER: Mr. Chair, thank you. Just  
7 to clarify: This is a motion to approve both  
8 requested substitution of parties and delineation of  
9 changes to the conditions including the Office of  
10 Planning's suggested changes to the findings of fact.  
11 Commissioner Inouye?

12 COMMISSIONER INOUE: Yes.

13 MR. ORODENKER: Commissioner Chock?

14 COMMISSIONER CHOCK: Yes.

15 MR. ORODENKER: Commissioner Matsumura?

16 COMMISSIONER MATSUMURA: Yes.

17 MR. ORODENKER: Commissioner Biga?

18 COMMISSIONER BIGA: Yes.

19 MR. ORODENKER: Commission Torigoe?

20 COMMISSIONER TORIGOE: Yes.

21 MR. ORODENKER: Commissioner McDonald?

22 VICE CHAIR McDONALD: Yes.

23 MR. ORODENKER: Commissioner Esaki?

24 COMMISSIONER ESAKI: Yes.

25 MR. ORODENKER: Chair Heller?

1 CHAIRPERSON HELLER: Yes.

2 MR. ORODENKER: Thank you, Mr. Chair. Once  
3 again the motion passes unanimously.

4 CHAIRPERSON HELLER: Thank you. Try again.  
5 Is there any further business? (laughter) If not do  
6 I hear a motion to adjourn?

7 COMMISSIONER BIGA: So moved.

8 COMMISSIONER INOUE: Second.

9 CHAIRPERSON HELLER: All in favor?  
10 (Commissioners in unison: Aye) We're adjourned.

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13 (The proceedings were adjourned at 10:00 a.m.)

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## C E R T I F I C A T E

I, HOLLY HACKETT, CSR, RPR, in and for the State  
of Hawai'i, do hereby certify;

That I was acting as court reporter in the  
foregoing LUC matters on the \_\_\_\_\_ day of \_\_\_\_\_  
2013;

That the proceedings were taken down in  
computerized machine shorthand by me and were  
thereafter reduced to print by me;

That the foregoing represents, to the best  
of my ability, a true and correct transcript of the  
proceedings had in the foregoing matter.

DATED: This \_\_\_\_\_ day of \_\_\_\_\_ 2013

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HOLLY M. HACKETT, HI CSR, RPR  
Certified Shorthand Reporter