

Minutes of Meeting

King Kamehameha's Kona Beach Hotel
Eha Room
75-5660 Palani Road
Kailua-Kona, Hawaii

November 2, 2001

COMMISSIONERS PRESENT: P. Roy Catalani (Portion of Proceedings)
Bruce Coppa (Portion of Proceedings)
Isaac Fiesta, Jr.
Lawrence N.C. Ing (Portion of Proceedings)
M. Casey Jarman (Portion of Proceedings)
Stanley Roehrig
Peter Yukimura

COMMISSIONERS ABSENT: Pravin Desai
Merle A. K. Kelai

STAFF PRESENT: Anthony J.H. Ching, Executive Officer
John Deller, Esq., Deputy Attorney
General
Teri Hee, Chief Clerk
Holly Hackett, Court Reporter

Presiding Officer Roehrig called the meeting to order at 8:35 a.m.

CONTINUED HEARING

A00-732 – TSA CORPORATION (Hawaii)

Presiding Officer Roehrig announced that this matter before the Commission was a continuation of the hearing which was adjourned last night at 4:10 p.m.

Appearances

Nathan Natori, Esq., representing Petitioner

Rodney Funakoshi, Wilson, Okamoto & Associates

MINUTES – November 2, 2001

Page 2

Dudley Akama, Esq., Deputy Corporation Counsel, County of Hawaii

Norman Hayashi, County of Hawaii Planning Department

John Chang, Esq., Land Use Division, Office of Planning

Judith Henry, Land Use Division, Office of Planning

Abe Mitsuda, Land Use Division, Office of Planning

Nicole Walthall, Esq., representing Intervenor KAHO

Stanley Bond, representing Intervenor KAHO

INTERVENOR'S WITNESSES

1. Dr. Marie Patricia Morin (conference call)

Vice Chairperson Ing and Commissioner Coppa were present to the proceedings at this time.

EXHIBITS

1. Intervenor will provide the Commission with an updated version of Petitioner's Exhibit No. 65 within two weeks from today's hearing.

PETITIONER'S REBUTTAL WITNESSES

1. Tom Nance

Commissioner Fiesta moved to go into executive session to discuss legal matters with counsel with respect to the admission of exhibits. The motion was seconded by Commissioner Jarman and unanimously moved by voice votes.

Nicole Walthall objected to the new exhibits offered by petitioner.

EXHIBITS

1. Presiding Officer Roehrig ruled that Petitioner's Exhibit Nos. 66, 68, and 72 would not be allowed into evidence. Presiding Officer Roehrig ruled that the exhibits contained new evidence that goes beyond the scope of rebuttal and that the other parties had not been given a fair opportunity to review the material before preparing their own cases.

PETITIONER'S REBUTTAL WITNESSES (continued)

1. Tom Nance
2. Steve Dollar

EXHIBITS

1. Mr. Natori withdrew Petitioner's Exhibit Nos. 69 and 71.
2. Presiding Officer Roehrig ruled that Petitioner's Exhibit No. 70 would not be allowed into evidence.

A lunch recess was taken at 12:00 p.m. to reconvene at 1:00 p.m.

- 1:00 p.m. -

Commissioner Jarman and Commission Catalani were not present to the proceedings at this time.

PETITIONER'S REBUTTAL WITNESSES (continued)

2. Steve Dollar

EXHIBITS

1. Mr. Natori withdrew Petitioner's Exhibit Nos. 67.

Upon completion of presentations by the parties, Presiding Officer Roehrig declared that the hearing was closed except for the limited purpose of receiving from

MINUTES – November 2, 2001

Page 4

Intervenor a revised version of Petitioner's Exhibit No. 65 by November 16, 2001. Presiding Officer Roehrig instructed all parties of the post hearing procedures. Proposed findings from the parties are due by November 30, 2001 and the parties have until December 7, 2001 in which to respond. The staff's estimated date for completion of their proposed decision and order is December 31, 2001. At the Commission's meeting tentatively scheduled for January 17-18, 2002, the Commission will adopt a proposed decision and order for service upon the parties. After service of the Commission's proposed decision and order, the Parties will have until the close of business, January 25, 2002, to file any comments and/or exceptions on the LUC's proposed decision and order. An action hearing has been tentatively set for January 31, 2002.

The meeting was adjourned at 1:20 p.m.