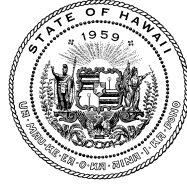


LINDA LINGLE
GOVERNOR

JAMES R. AIONA, JR.
LT. GOVERNOR



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

STANLEY SHIRAKI
DIRECTOR OF TAXATION

RONALD B. RANDALL
ACTING DEPUTY DIRECTOR

PHONE NO: (808) 587-5334
FAX NO: (808) 587-1584

LETTER RULING NO. 2010-19

[redacted text]
[redacted text]
[redacted text]
[redacted text]

September 10, 2010

RE: REQUEST FOR INCREASE IN COMFORT RULING CREDIT CAP

Dear [redacted text]:

This letter responds to your September 1, 2010 request for an amendment to the [redacted text] (the Company) original comfort ruling dated [redacted text] (the "Company's original comfort ruling").

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 \$[redacted text]. You have requested this cap be increased. In justifying your request to increase the cash investment cap, you explained that [redacted text].

Based upon the facts provided as justification for the comfort ruling credit cap increase, the Department is increasing the cap in the original comfort ruling by \$[redacted text]. This increase raises the total cap to \$[redacted text] in the aggregate. This means that, based upon the representations in the Company's original comfort ruling, the Company meets the definition of a qualified high technology business, provided the amount of cash invested in the Company does not exceed \$[redacted text].

You may utilize this letter in association with the Company's original comfort ruling to apprise potential investors of the increased investment credit ceiling. So long as the amount of cash invested in the Company totals no more than \$[redacted text] in the aggregate, investors may rely upon the conclusions set forth in the Company's original 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

Letter Ruling No. 2010-19

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) 587-5334.

Sincerely,

/s/Jacob L. Herlitz

JACOB L. HERLITZ
Administrative Rules Specialist

APPROVED:

/s/ Johnnel Nakamura

JOHNNEL NAKAMURA
Administrative Rules Officer