

PLANNING COMMISSION
COUNTY OF HAWAII

HEARING TRANSCRIPT
JANUARY 22, 2009

An advertised contested case hearing on the application of **CROWN CASTLE INTERNATIONAL (SPP 1191)** was called to order at 10:10 a.m. in the Hapuna Beach Prince Hotel, Hau Room, 62-100 Kaunaoa Drive, Kohala Coast, Hawaii, with Chairman Rodney Watanabe presiding.

PRESENT: Rodney Watanabe
Lani Bowman
Takashi Domingo
Frederic Housel
Andrew Iwashita
Shelly Ogata
Rell Woodward

ABSENT & EXCUSED: C. Kimo Alameda

Ivan Torigoe, Deputy Corporation Counsel
Norman Hayashi, Planning Program Manager
Phyllis Fujimoto, Staff Planner
Jeff Darrow, Staff Planner

Keoni Fox representing Applicant
Lissa Andrews representing Applicant
Christopher McCullough, Intervenor
Daryn Arai, Acting Planning Director

And no one from the public in attendance

APPLICANT: CROWN CASTLE INTERNATIONAL (SPP 1191)

Contested Case hearing on the amendment to Special Permit No. 1191 to allow the replacement of an existing 80-foot monopole with a 120-foot steel monopole. The request would also require the amendment of Condition 5 (height of tower). The property is located along the north side (makai) of Kynnersley Road, approximately 1.3 miles south of its intersection with Akoni Pule Highway (Highway 270), Honomakau, North Kohala, Hawaii, TMK: 5-4-2: por 2.

WATANABE: The second agenda item is Crown Castle International. This is Special Permit 1191. It's to allow the replacement of an existing 80-foot monopole, telecommunications monopole, with a 120-foot monopole. I guess I'll allow staff some time here. Okay, Mr. Darrow.

DARROW: Thank you, Mr. Chairman. I won't go into a detailed presentation. What I'm going to do is just reiterate that this is a continued hearing. This matter has gone into a contested case hearing. We did receive the witness and exhibit lists from the applicant, the intervenor, as well as the Planning Department which have been submitted to the Planning

Commission. Just as a refresher, the location of this particular application is within the North Kohala district, more specifically we're looking at Kynnersley Road. We have the Akoni Pule Highway running on the top portion of the map, Kynnersley Road running mauka-makai, and then we have the subject property identified in yellow. There is a red dot right on the portion of the property nearest Kynnersley Road where the actual tower is located. This is a little difficult to see, but the actual intervenors in this case own the property and reside on this particular property near the tower. With that, are there any questions?

WATANABE: Well, fellow Commissioners, do we have any questions of staff?

BOWMAN: I just have a quick question.

WATANABE: Yes, Ms. Bowman.

BOWMAN: So it's the red where the tower is, right?

DARROW: Correct.

BOWMAN: What is outlined in yellow?

DARROW: That's the entire subject property.

BOWMAN: Okay, thanks. And the owners of that property?

DARROW: The owners of the property are, good question, one minute.

BOWMAN: You know, it's an interesting looking piece of property.

DARROW: The Takatas own the property, the Takatas.

BOWMAN: Oh, thank you.

WATANABE: Okay, any further questions? Then why don't we call the applicant up. And prior to beginning this, I believe our rules require that the, if there's any public testimony, anyone that wishes to testify from the public, that they be allowed to testify. Generally this would exclude those who have already signed up on the witness list cause, you know, you will be provided an opportunity to testify then, yeah? So right now I don't have anyone signed up for this agenda item to testify from the public. But since I see three people out there, is there anyone here that would care to testify? Seeing none, then I guess, we've addressed that issue. Will the applicant please come up. You're the intervenor?

MCCULLOUGH: I, yes, sir.

WATANABE: Yeah, okay, you may be seated also. Okay, I guess this is kind of housekeeping by nature, but I just want to make sure that all the parties, yourself included -. You're Mr. Blancato?

MCCULLOUGH: No, Christopher McCullough.

WATANABE: Christopher McCullough. Okay, well, why don't I swear you in first. Let me swear all of you in. Would you all raise your right hand? Do you swear or affirm to tell the truth now before the Planning Commission?

MCCULLOUGH: I do.

ANDREWS: I do.

FOX: I do.

WATANABE: Okay, then starting from my right, would you state your name and address for the record and -.

FOX: My name is Keoni Fox. I'm with Ali'i Wireless Specialists. I'm here on behalf of Crown Castle International; and my address is 48-472 Kamehameha Highway, Waikane, 96744.

WATANABE: Okay.

ANDREWS: My name is Lissa Andrews and I'm an attorney for the applicant, Crown Castle. My business address is 737 Bishop Street, Suite 2400, Honolulu, Hawaii 96813.

WATANABE: Mr. McCullough.

MCCULLOUGH: Christopher McCullough, I'm the applicant for the contested case and my address is 55-2279 Kynnersley Road, Kapaau, Hawaii

WATANABE: Thank you. Okay, as a housekeeping nature, I want to make sure that both you, Mr. McCullough as well as the applicant, are aware of each other's witness list, and that there are no objections to the witness lists.

ANDREWS: I have no objection.

WATANABE: Mr. McCullough?

MCCULLOUGH: Yeah, in regards to our witness list, I did want to, as a group, as a neighborhood -. I have a letter from the County of Hawaii Planning Commission dated December 5th, originally stating that the meeting was to be held on January 23, 2009; and then there's another letter here via certified mail dated December 22, 2008 changing the date of the meeting to January 22nd, today's date. We've had a little bit of an issue here with this. I had been out of town on business and I just returned yesterday. And so at this point the rest of our group is unable to witness due to lack of notification on my part due to that I didn't see this letter till I returned from business. I've been off-island, the mainland. I don't know if it's possible at this point to ask for a continuance on this so that all of us can testify. They all still had it dated on January 23rd and they're all working people so they weren't able to, they weren't able to -.

WATANABE: Arrange for time off?

MCCULLOUGH: Yeah, arrange for time off.

WATANABE: Oh my. Well, I believe the notification, minimum notification timeframe is ten days if I recall. I believe that's correct, right, Mr. Torigoe? On the other hand -.

TORIGOE: Hold on a second. Maybe the staff can just give us the timeframe in which notifications were given specifically -.

WATANABE: Well, I think he mentioned something in the neighborhood of that letter being sent out in December, is that correct?

MCCULLOUGH: Yeah, it's dated, Mr. Watanabe, on December 22nd. I'm not sure when it was received at my home. We don't get mail at our residence; it comes to our P.O. Box. And then like I said, I was out of town on business, I returned yesterday. So I didn't get, open the letter till yesterday and it was too late for the rest of the group to -.

WATANABE: That said, though, could you share with us from when you were gone out of town for business?

MCCULLOUGH: Yeah, I left on the third of January and returned yesterday. It was a business trip.

WATANABE: Okay.

MCCULLOUGH: I'm not sure if there was a delay during holiday mail or for whatever reason; but, and like I said, we don't check our P.O. Box daily, so it may have been, I don't know -. I mean this was dated December 22nd. If it was posted, maybe there was a delay between the Christmas holiday or whatever, but, anyway, so -. We're ready, I mean I can represent us all; but we would be better represented, if it was a whole group. They were kind of disappointed to find out this morning that it was rescheduled. They all had it on their calendars for January 23rd.

WATANABE: Mr. Wood -.

ANDREWS: Mr., Oh, I'm sorry.

WOODWARD: Let me ask a question. This was sent certified mail, correct?

MCCULLOUGH: Yes, that's what it says here.

WOODWARD: Will you speak in the microphone, please.

MCCULLOUGH: Yes. Yes, sir, that's what it says here, certified mail.

WOODWARD: So somebody had to sign for it?

WATANABE: No certified. Return receipt, you have to sign for it.

MCCULLOUGH: Yeah, I never signed for it. I don't think my wife signed. It went to our P.O. Box.

WOODWARD: So you didn't go to your post office box until yesterday?

MCCULLOUGH: No, I, it was, my wife I'm sure got it before then. But I was off-island from January 3rd till yesterday, so I did not open it until yesterday.

WOODWARD: Okay.

HAYASHI: Mr. Chair?

WATANABE: Yes.

HAYASHI: Perhaps I can clarify what had happened. The initial letter that went out after the November 24th meeting did specify to the applicant as well as to Mr. McCullough that the continued hearing or contested case hearing would be on December 23rd, which was our original schedule.

WATANABE: January 23rd?

HAYASHI: January 23rd, I'm sorry.

WATANABE: Okay.

HAYASHI: And then we found out the Council, County Council was going to have their meeting on January 23rd; therefore, we changed the meeting date to the 22nd, January 22nd. And proper notice was sent out. In fact, we sent out four notices to Mr. McCullough. One was to an address 54-2279 Kynnersley Road, and that was not received. There was another letter that went to a similar address on Kynnersley Road, that was not received; it was sent back to us by the Post Office. Then two Post Office, we mailed to two Post Office Box addresses and we had finally received the address, I mean the notification of our letter dated December 22, 2008 to Post Office Box 1177, Kapaau, Hawaii. And I would assume that that's the correct -.

MCCULLOUGH: That is my correct address.

HAYASHI: Okay. So we've made several attempts to contact Mr. McCullough not only by mail but, because we didn't know whether he received the letter or not, we made several phone calls to him. And I personally made phone calls on January 12th at 1:46 p.m. notifying him to call me – I never received a callback – then the next day, January 13th at 10:07 a.m., I also called Mr. McCullough at the address that was listed on the petition – no callback. We also called Sallie McCullough who we assume is the sister-in-law of Christopher, and that was also

on January 13th after I tried to get hold of Mr. McCullough. We have not received any phone calls back from them.

WATANABE: Okay. Just for the record, Mr. Hayashi, when you sent those letters out to the P. O. Boxes, on what date was that?

HAYASHI: The letter was resent on 12/31, December 31, '08.

WATANABE: So quite a while ago.

HAYASHI: That was the latest letter that we sent out to Mr. McCullough.

WATANABE: Okay, thank you.

MCCULLOUGH: And was that sent to P. O. Box 1177?

HAYASHI: That is the latest letter that was sent to the P. O. Box.

MCCULLOUGH: Okay. So that explains the, because I left on the 3rd, so it probably was a holiday delay, and then by the time it got pulled out of the P. O. Box I was already gone. I did receive notification from my wife that the Planning Commission was calling, but I was on business in Texas.

WATANABE: Okay.

MCCULLOUGH: Sorry I didn't return the calls.

WATANABE: Okay.

ANDREWS: If I may, Mr. Chairman?

WATANABE: Yes.

ANDREWS: In addition to all of the notices sent by Mr. Hayashi and phone messages left, on January 9th the applicant sent notice to all of the owners within 500 feet of the proposed site. And on January 9th it was sent advising the owners that the contested case hearing would be held at 10:00 a.m. on Thursday, January 22, 2009 in the Hapuna Beach Prince Hotel. Included in that mailout, this notice was sent to Christopher McCullough, Sallie McCullough, Ralph Blancato. And the, Cherie Gallo is listed as a witness on the intervenor's list of witnesses; we sent it to the owner of that lot. So those were sent out January 9th, they were sent out certified mail and they did not come back.

WATANABE: Okay, thank you. So basically at our previous meeting we determined that there was a potential for a defect in the notice, and that was the reason for your sending out notices again, and that satisfied the 10-day requirement. Is that your testimony?

ANDREWS: That's correct.

WATANABE: Okay, unless there're any further objections, I think it's relatively clear on the record that certainly the moving of the date was inadvertent due to a scheduling conflict with the Council's schedule, and sufficient attempts were made at providing notices. And if somehow no response was received, I don't know how we could continue this matter any further. Do we have any objections? Mr. Iwashita.

IWASHITA: I just have a follow-up with the intervenor. Mr. McCullough, did you receive the January 9th notice from the petitioner?

MCCULLOUGH: I've only got two letters, one dated January 5th, I mean, sorry, December 5, 2008 and one dated December 22, 2008. But it may be at my home, I don't know. I just got back yesterday. Like I said, I haven't had a chance to go through all my mail. So, you know, I'd actually scheduled my business trip around getting back for the meeting. So, it's all right, though, I can represent us all.

IWASHITA: Okay, okay, thank you. Mr. Chair, thank you.

WATANABE: Do we have any further comments? Mr. Housel.

HOUSEL: One clarification to Mr. Hayashi. The other witnesses, were they notified with the same letter?

HAYASHI: I'm not sure. I need to defer that to the applicant since the applicant had to send the surrounding property owners' notification. As far as the Department itself, all we did was send it to the applicant, petitioner, who is Christopher McCullough.

WATANABE: Okay. For clarification purposes, though, we did have Lissa Andrews testify that she sent out notice to perfect, I mean, yeah, to perfect the previous notice requirements to Christopher McCullough, Sallie McCullough, Ralph Blancato, and the owner of the lot of Cherie Gallo, I believe it was. I assume you don't have the address of Cherie Gallo, yeah?

ANDREWS: No.

WATANABE: Yeah. And I didn't get whether Laura Hendershot was also notified.

ANDREWS: I wanted to just follow up with that. We could not locate Ms. Hendershot as an owner of any property within 500 feet of the proposed tower.

WATANABE: Yeah. So I think quite a bit of effort was made to contact not only the surrounding owners to perfect notice but also whomever was on the witness list.

ANDREWS: And, Mr. Chairman, I don't have Ms. Gallo's exact address but her TMK No. is 5-4-002:017.

WATANABE: Okay, okay, thank you.

HOUSEL: Thank you.

WATANABE: I've been also informed by counsel that it's not a legal requirement to notice witnesses, just that we notice those within 500 feet of the surrounding the property. So, okay? So, yes, Mr. Iwashita.

IWASHITA: Just to clarify in my mind. It's my understanding that, based on Mr. McCullough's last statement, that he does not object to the Commission proceeding with this contested case today.

MCCULLOUGH: No, we can move forward. I just, I know that some of the people were, this was news to them. I'm not really sure from Fox's side-. They're saying they notified everyone. There's been a little bit of a history of lack of notification. And, you know, like I said, we don't get mail delivery up at our houses, so you can't, you know, you can't find our mailing address from our TMK numbers or our physical addresses. Laura Hendershot is Ralph Blancato's partner, so that, just to clarify that. And Cherie is our neighbor -.

WATANABE: Okay.

MCCULLOUGH: Cherie Gallo.

WATANABE: But, again, just to reiterate, you are agreeing to -?

MCCULLOUGH: Yeah, we'll move forward.

WATANABE: Okay, thank you.

BOWMAN: May I ask -?

WATANABE: Yes.

BOWMAN: A point of clarification of the applicant. Your letters were sent certified?

FOX: They were sent certificate of mailing.

BOWMAN: Does certificate of mailing require a signature?

WATANABE: No.

BOWMAN: It doesn't?

MCCULLOUGH: I don't think so.

WATANABE: No.

BOWMAN: Okay.

WATANABE: I believe what happens is the Post Master certifies that you sent one, a notice to this specific address. But it's really the Post Master who is certifying.

BOWMAN: Okay, thank you.

WATANABE: Okay? So I think, I'm satisfied that we're ready to move on.

ANDREWS: I'm sorry -.

WATANABE: Yes, Ms. Andrews.

ANDREWS: I'm sorry to interrupt. In clarifying in response to Ms. Bowman, Mr. Fox advised me that while it's not certified, return receipt requested, the Post Master would advise him or return the letters, if he was unable to deliver them. Is that correct, Mr. Fox?

FOX: That's correct.

BOWMAN: Right. But being that I live in Kohala, you know, if you have a certified letter you need to sign for it, and then it's for sure that the person will get it. But if it's put in their P. O. Box and they don't check their P. O. Box, there's no way to know that the person got it. That's just my question. Thank you.

ANDREWS: That's correct.

WATANABE: Okay, so we're done with the clarifications of mailouts then. Okay, I addressed the witness list and then we got kind of quagmired from there. But let's take a look at the exhibits. Has each of the parties had an opportunity to review the exhibits of the other parties? And are there any objections to any of those?

MCCULLOUGH: I have not seen -.

WATANABE: Would you speak into the mike, please.

MCCULLOUGH: I have not seen their exhibits, Mr. Chairman.

WATANABE: Ms. Andrews?

ANDREWS: Yes. In our exhibit list, which we sent to Mr. McCullough on January 9th by mail, we referenced that we would be only using exhibits that are already in the record; and I have additional copies here. We're using very few exhibits: just the application, two additional photos showing where the proposed simula -, photo simulation of the property.

WATANABE: Okay. Then for the intervenor's benefit, do you have an additional copy that you can share with him?

ANDREWS: Yes. Yes, I do.

WATANABE: Thank you. So while we're waiting for that, do we have any other clarifications that are necessary or any objections that we need to address?

HAYASHI: Mr. Chair?

WATANABE: Yes.

HAYASHI: Mr. McCullough's witness, excuse me, exhibit list lists Exhibits 1 and 2: Exhibit 1 being photographs and the Exhibit 2 is written evidence. We don't have that on file.

WATANABE: You don't have that on file?

HAYASHI: We do not.

WATANABE: Okay. Okay, so, Ms. Andrews, would you have any objections, if Mr. McCullough were to submit any of his exhibits today?

ANDREWS: No, as long as I get to see them before he discusses them or attempts to put them into evidence. Thank you.

WATANABE: Yeah, okay, okay. So, you understand then before you circulate those, you'd have to, we'd have to discuss that with Ms. Andrews -.

MCCULLOUGH: Yes.

WATANABE: To see if she has any objections? Okay. Mr. Arai?

ARAI: And any evidence should also be provided to the County.

WATANABE: Right, correct, right. For the record, right. Okay.

ANDREWS: Mr. Chairman, one more thing, I'm sorry. I will also be requesting that the County of Hawaii Planning Department's background and recommendation which were served upon myself and Mr. McCullough on January 16, 2009 be admitted into evidence. So I will also ask that. But I don't have an additional copy, as that was mailed to Mr. McCullough.

WATANABE: That is, no objections to that, Mr. McCullough?

MCCULLOUGH: No objections.

WATANABE: Okay, thank you. Then let's real briefly go over maybe the process, shall we say? We've already taken care of the potential for public testimony. We've already clarified, you know, any possible objections, etc. So what we're going to do is we're going to start with opening statements from each party; and the parties that are identified here are the applicants, Crown Castle, the Planning Department, I mean, the intervenor, yourself, Mr. McCullough, and the Planning Department. Okay? Those would be the three parties concerned here. After each

party provides their testimony, the remaining parties may cross-examine, if they so desire, or rebut. Okay? And after we go through that round from both the applicant, the intervenor and the Planning Department, then the applicant will have an opportunity to rebut as a final -. Yes.

WOODWARD: Mr. Chairman, since there was some question about some evidentiary materials that Ms. Andrews wanted to review, might I suggest we take a break for a little bit and let the two parties get together and sort that issue out?

WATANABE: Okay. Can I finish up with maybe the process so that we agree on the process -?

WOODWARD: Yes.

WATANABE: And then we'll take five. Okay. Okay, so the applicant has a final opportunity to rebut. Then each party will have their closing arguments, yeah? And after that we will ask for the Commission to close the hearing. After the hearing is closed, no additional evidence will be submitted unless the Commission decides to reopen the hearing. Okay? And then we will go into deliberation. So if that is okay with everyone, that's the process that we'll be going through today. Any objection to that?

ARAI: No objection.

ANDREWS: No objection.

WATANABE: Mr. McCullough?

MCCULLOUGH: I have no objection.

WATANABE: Okay, then why don't we take five, and then, Mr. McCullough, maybe you can get together with Ms. Andrews and discuss whether there are any objections to the exhibits you wish to submit.

TORIGOE: Mr. Chairman?

WATANABE: Mr. Torigoe.

TORIGOE: Thank you, Mr. Chairman. Just a practical issue. Under the rules, Rule 4-18 (g), when you have exhibits, then they're supposed to be submitted original and 15 copies with a copy to each party. Obviously, you know, whatever, Mr. McCullough, if you have exhibits that you want to submit, then there needs to be copies made for the Commissioners to look at. So I just wanted to see if, you know, that had been done or if we have to make provision for that.

MCCULLOUGH: No, you know, the photographs were going to be submitted by Laura Hendershot; she's not here today. The written evidence, all I have is a single copy, just some stuff that I wanted to discuss. I don't have anything, I only have one copy to submit of it. So I don't know if that can be -.

WATANABE: Ms., Ms. Andrews, maybe you can take a look at that during the recess and determine whether that will be fine. You could get a copy subsequent to the hearings. Obviously, the Planning Department is going to need a copy. So unless you have objections, then I think we would be willing to proceed, yeah?

ANDREWS: That's appropriate -.

WATANABE: Yes, so -.

ANDREWS: Once I meet with Mr. McCullough.

WATANABE: Yeah. So we'll take a recess now and let's take ten; and then, hopefully, you'll be able to come to some agreement at that. Okay.

RECESSED The Chair called a recess at 10:38 a.m.

RECONVENED The meeting reconvened at 10:55 a.m.

WATANABE: The Planning Commission will come back to order. So I believe we have one last bit of housekeeping issue. Ms. Andrews, you had an opportunity to meet with Mr. McCullough?

ANDREWS: Yes, I did.

WATANABE: And -?

ANDREWS: And I reviewed the exhibits Mr. McCullough proposes to introduce into evidence. It is, it appears to be two articles, or it might be more, from the internet which is, which contains statements made by various persons. It's really hard to say who the person writing the article is, I mean it's in there, but it's hard to verify, you know, what credentials he has. It also contains several pages of comments where you invite in for people to comment on those -.

WATANABE: Blogs.

ANDREWS: Blogs. Thank you.

WATANABE: Yes.

ANDREWS: And so I'd have to object to its admission because it's offered, it's going to be offered to show that these types of towers and cell phones present health risks. And I don't believe that those articles, it can be shown that those people who are talking in there have any knowledge or ability.

WATANABE: Right. Yeah, we're looking as to whether they're qualified as experts to provide testimony.

ANDREWS: That's correct.

WATANABE: Okay, thank you. Mr. Torigoe, the applicant's representative has objected obviously to the entry of this – what is that?

TORIGOE: Exhibits.

WATANABE: Exhibits. Is it up to us to decide?

TORIGOE: Yes. Basically as the presiding officer you make the call as to whether a piece of evidence that is objected to will be admitted. There has been mentioned of the fact that the evidence seems to be offered to show that there are health risks involved with cell phone towers. I think you have been advised before, and let me just reiterate that this is one of those rare occasions where there is a Federal law that tells you what you can and cannot consider in those areas. Section 704 of the Telecommunications Act of 1996 states that no state or local government may regulate the placement, construction and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions. And so I think there is a condition that has been proposed, if you grant the permit, that would require the facility to comply with FCC regulations; and I'm sure that the applicants are agreeable to that. So, I was just looking up some of the latest case laws on this, and this is from the latest case that I could find in the Federal Courts. And basically it says that Federal Courts have repeatedly indicated that so long as the facilities comply with the FCC's regulations concerning emissions, citizen's health concerns cannot constitute substantial evidence when evaluating a project, such as this one, and that is a cell phone tower. So in that sense the Federal law basically says that as long as the tower is going to comply with FCC regulations, you cannot consider allegations of health risks from the radio emissions. That's just a matter of Federal law.

WATANABE: Okay, thank you. So, Ms. Andrews, for clarification purposes, you had the opportunity to read through those articles or at least reviewed those articles. And the general thrust of the articles that were posted on the internet was that these radio waves, etc. would provide or, are substantial health risks?

ANDREWS: That's correct. And that the, I agree, the applicant agrees, that the admission of that evidence would be contrary to Rule 704 as, you know, elaborated on by Mr. Torigoe.

WATANABE: Thank you.

IWASHITA: Mr. Chair?

WATANABE: Yes, Mr. Iwashita.

IWASHITA: I have a clarification -.

WATANABE: Yes.

IWASHITA: For Mr. Torigoe, I guess, on that or either of the parties actually. And that is that it's my understanding that certain rules and regulations have by executive order today or yesterday been set aside by the newly installed president; so I'm not sure if that affects the rule that you're talking about, Mr. Torigoe.

TORIGOE: I wouldn't think so because this is in, you know, Federal Statute and I don't think, you know, any president can just say, hey -.

IWASHITA: Oh, that's, okay, I thought it was by rule, FCC Rule, and not by Congressional mandate.

TORIGOE: Yeah, this is at 47 USC, Section 3332, Page 7.

IWASHITA: Thank you for that clarification.

WATANABE: Mr. Woodward.

WOODWARD: Well, I would suggest that it's at your discretion, but I see three problems with introducing this into evidence: One is the Federal Statute that Mr. Torigoe just recited, the second is the fact that this was not submitted in a timely fashion, and the third is it comes from questionable sources. You can get anything on the internet you want. And it's like biblical scholars; you can read anything into the Bible you want. You can get anything off the internet you want. So I think we've got three problems. One is a legal problem with the admission, the fact that it wasn't submitted in a timely fashion, and the questionable nature of the evidence itself.

WATANABE: Thank you. Any further comments? Mr. Iwashita.

IWASHITA: I just think the intervenor should be given the opportunity to address this issue at this point; we haven't heard from him.

WATANABE: Okay. Mr. McCullough? Yes, Mr. Arai.

ARAI: Sorry for interrupting. But just for the record since I am, we are a party to the proceeding, that the County objects to the introduction of the material into the record for the reasons as cited by Corporation Counsel and by the applicant's counsel.

WATANABE: Yes. I believe you also have some comments in your Page 4 of your recommendation that address this Federal law.

ARAI: That is correct. On Page 4 of the recommendation report that was distributed to all the Planning Commissioners, the applicant and the intervenor, there is a section, the first paragraph does describe how Section 704 of the Federal Telecommunications Act recognizes the absence of health hazards. So that being said, I'll let the record stand.

WATANABE: Okay, thank you. Mr. McCullough, you've heard the discussion so far. Do you have anything to add?

MCCULLOUGH: Yeah, thank you, Mr. Chairman; and thank you for your support, Andrew. I did mention to Ms. Andrews that I wasn't going, I mean, she's, I think the issue that she has are the blogs that are on here. And my apologies first to the counsel in regards to the submission of this information. This is my first time doing this. When the letter came out requesting that multiple copies be sent out, I was under the impression I was just, what we were doing, not, you know, what we anticipated submitting, not the actual evidence that we would be submitting. So my apologies there.

I would like to ask Ms. Andrews to consider the, not the blog information be submitted for evidence, but just the information regarding health risks alone. I'm of the opinion, you know, you can cite whatever you want on Federal information about the FCC and saying that as long as the towers are within their, you know, the standards that they're held at that, you know, there's a lot of things that I think that we're exposed to that our government should be looking out for us more. You know, just because the FCC is telling me that it's safe, that doesn't help me sleep at night knowing that my nephew plays in the area with his friends, that there are other children in the area. You know, there's a lot of evidence in Canada regarding they banned it around schools in Canada; they banned it, the Fire Department in Canada doesn't allow it. I didn't print it all, but there is a lot of evidence to the contrary of what the FCC is telling us and what the communication companies are telling us as far as safety. So I just want to go on record, if it's not going to be submitted, just to say that it's a, for us as a neighborhood, it's an important consideration.

WATANABE: Thank you. Mr. Arai, you had something? No?

WOODWARD: Mr. Chairman?

WATANABE: Yes.

WOODWARD: Might I suggest because, I think, the overwhelming preponderance of opinion is that this not be admitted into evidence, that doesn't mean Mr. McCullough can't discuss it.

WATANABE: Yeah, I agree. To an extent it's -.

WOODWARD: It's your discretion to decide one way or the other. But I think in the interest of moving this along we ought to, you know, I would suggest that you consider not admitting this into evidence, and then we'll get on with the discussion and Mr. McCullough can bring up whatever points he wants.

WATANABE: Thank you. You have anything to add, Ms. Andrews?

ANDREWS: Nothing further.

WATANABE: Okay. Based on the discussion that has just occurred, you know, while you may be correct, in 20 years from now they may determine that it does present some harm to humans, at the present time the rules and laws that we're operating under do indicate that it not only is not harmful but it is unlawful for us to consider that as evidence. That does not preclude you, however, from providing testimony to the contrary. And so with that, my ruling would be that it not be admitted into evidence. Okay? With that let's begin the proceedings then; and I believe I indicated we would start with the applicant. So, Ms. Andrews, you may provide your opening argument and proceed with your witness.

ANDREWS: If it pleases the Commission, Mr. Fox will be giving the opening argument.

WATANABE: Okay, thank you. And Mr. Fox? Keoni, yeah?

FOX: Yes. I just wanted to go into a little bit of background about why this application was submitted. There has been a lot of history with this site. It was originally built in 1997, and at that time only Verizon had antennas on the pole structure. And over the years there has been a lot of development in the area, a lot of new homes and increase in subscribers; other carriers have co-located on this pole.

And it's my understanding that there was a lot of farming done in this area. And since then there's not been so much farming; and that has led to an increase in trees in the area, specifically ironwood trees which we all know are very dense, really hard wood. Wireless technology works by line of sight. So if you are not in direct sight of an antenna, the coverage, the signal, from that antenna site is going to be impacted. And that's basically what has happened here. Crown saw this problem back in 2002. They actually had submitted an application for a much taller pole, 168-foot monopole; and at that time they foresaw the fact that this site may be a structure where all of the wireless carriers would be co-locating upon at one time. So basically all the different wireless carriers, and there are five out there now, would be adding antennas to this single pole structure. And at that time the ironwood trees were also a problem. There was a complaint by one of the neighbors; and I guess rather than take the matter any further Crown said, hey, you know, we only have two co-locators at this time, they are above the trees line and they are providing adequate coverage. So they dropped that request for the taller pole.

Since then two other wireless carriers have co-located on the structure; and right now their antennas are below the tree line. In fact, the trees have grown so tall, some are 90 feet tall, in the immediate vicinity of the site, so they are also impacting the wireless carrier which is at the top of the pole which is Verizon. Recently Verizon came to Crown and informed them that if they could not modify the structure, they could not increase the height of this pole, they are going to need to find another site in the community, another pole structure. So that's why Crown submitted this application for the modification.

I'd just like to add that this site is critical for communications in the North Kohala community. To my knowledge it's the only wireless antenna structure in the area. And it covers a huge area. It covers all the way from Hawi to Kapaau to the Pololu Valley lookout. Furthermore, it also provides coverage across the Alanuihaha Channel, so there are a lot of fishermen out there, ocean vessels that traverse through that channel, and it even covers part of the road between the

Seven Sacred Pools in Hana. And I don't know if you folks have ever driven out there before, but wireless coverage out there is almost nonexistent. So, again, the site is critical for communications. All of the carriers that co-locate on the site are part of the E-911 service network which is critical for safety. And that's all I have at this time.

WATANABE: Okay, thank you. Mr. Arai, do you have any -? (Chair had brief discussion with Mr. Torigoe.) Mr. Iwashita.

IWASHITA: I was wondering when the Commissioners would have the opportunity to question the testifier.

WATANABE: Maybe we can hear all the opening statements, then we can ask the parties -.

IWASHITA: Oh, okay, this is opening, that's correct. Thank you.

WATANABE: I was confused myself. Mr. Arai, you have any opening statement to make?

ARAI: The only opening statement I can offer you is that we have offered to the Commission the Planning Department's Background Report and Recommendation that's dated November 7, 2008. We stand by that, we continue to stand by that recommendation. So I have no further testimony to offer at this time.

WATANABE: Thank you. Mr. McCullough?

MCCULLOUGH: Thank you, Mr. Chairman. I represent our community, our small neighborhood and also our Kohala community in that there are a number of us who feel like there are health risks and concerns involved with cell phone towers. My immediate neighborhood was concerned about potential property devaluation and we do have some potential alternative solutions that we would like to present to the council (sic).

WATANABE: Okay. Well, I guess this would be a good time to open it up for questions from the Commissioners. So no questions at this time? Okay, Ms. Andrews, we already got the opening statement. And according to your witness list Mr. Fox was your only witness. Is that correct?

ANDREWS: Correct.

WATANABE: So that would have been his testimony, opening statement as well as testimony, is that correct?

ANDREWS: No. He did the opening statement just because it would provide, that's his testimony to introduce the whole thing, sum it up; and I just want to go over a few things with him now.

WATANABE: Okay. Sure. So proceed.

ANDREWS: I would like the Commission to refer to the Special Permit Application filed by Crown Castle with the Planning Commission in this case. And if anyone doesn't have it with them, I have extra copies; and I did provide a copy to Mr. McCullough. Okay, I'd like everybody to refer to Exhibit C of the application, and Exhibit C is the wireless carrier propagation maps.

WATANABE: You want to proceed?

ANDREWS: Yes, I was just waiting for everyone to find it. Okay. I'm going to ask Mr. Fox to explain the propagation maps that are attached thereto in terms of what they do for the application.

FOX: Okay. There are actually four sets of maps here. The first one was actually completed by the radio frequency engineer from Verizon Wireless. It shows the existing coverage from the current antenna site, at the 80-foot level, as well as the proposed increase in coverage, should they be permitted to co-locate at the 120-foot level. And I'm not sure if the Commissioners have colored copies there. No?

WATANABE: No.

FOX: Actually there are three different shades there and there's a circle which shows where the antenna site is currently. And the lighter shade, which is yellow on my copy, actually shows a perfectly clear signal, four bars. It gets a little bit darker as you move away from the site, and in those areas the quality of the signals are already deteriorating. And then the lightest color, which is light pink, which is kind of on the outskirts of this area, shows the signal at approximately 1 bar. And if you got to the second map where it shows -.

ANDREWS: Mr. Fox, just so we can clarify, basically the non-colored maps just show a black color and then a lighter color. Can you just make it clear that, I know we can't see all the colors but, what the dark black and the lighter colors represent in terms of the coverage?

FOX: Okay. The lighter color that's right around the circle is perfect coverage, perfect quality coverage; and the darker colors which are kind of on the outskirts, that's showing that the quality of the coverage is diminishing. So if you flip between the first map which shows the existing coverage and the second map showing the proposed coverage, you can see a huge increase in the signal provided by the higher height; and that's basically what all the other maps are showing as well. The second one was provided by Sprint. They only have one map which shows the current coverage and then a lighter color, which is not going to show up on your black and white, but shows the improved coverage. T-Mobile's engineer also provided a propagation map showing the same. And AT&T which is currently at the lowest level of the tower and would be at the lowest level of the proposed tower has also provided two maps showing the existing and improved coverage from the site.

WATANABE: Okay.

ANDREWS: So your general testimony would be that the proposed tower would increase the coverage provided by, can you just clarify a little more without the maps, just as a general how much it would increase?

FOX: Okay, just to summarize, there would be a huge increase in coverage and signal quality provided by the additional height. And that's basically what the maps are showing – the existing and the new coverage that will be afforded by that.

WATANABE: Mr. Woodward.

WOODWARD: Let me just bring up one point. If you have, now your tower is 80-foot tall and you've got your receiver/transmitter at 80 feet. And if there is in fact any kind of health concern, if you move it up another 40 feet, at 120 feet it would seem to me that it would be less of a concern. I don't believe it anyway, but if it's 40 feet higher above and you're concerned about what's going on, it would seem to me that that would be, you know, like mitigating that concern.

WATANABE: I'm not sure you needed any response to that, but -. You may proceed, Ms. Andrews.

WOODWARD: That was more of an editorial comment than a question, really.

ANDREWS: Thank you.

HOUSEL: Mr. Chair, if I may?

WATANABE: Mr. Housel.

HOUSEL: Just so we understand these maps, are these actual test readings or are these projections?

FOX: These are projections using software, so they don't take into account some issues such as foliage, but they take into account the natural terrain of the area.

HOUSEL: Okay, okay. And with the proposed increase on the height of the tower, is there any proposed increase in the power of these transmitters?

FOX: I can't answer that. All I can say is that all of the wireless carriers do operate within the limits that are permitted by the FCC. There are radio frequency emissions that are emitted from antennas, we all know that. However, there is a radius around the antennas, whereas if you were to get too close, it could be deemed hazardous after prolonged levels; and actually that level is 20 to 30 feet. The pole will be, at 120 feet the lowest carrier would be at the 70-foot level, I believe, so it would be beyond that exposure area.

HOUSEL: Okay. Well, as compared to the existing tower, and adding, you said, I think two other carriers, is that -?

FOX: A fifth carrier.

HOUSEL: Okay, would that represent a difference in the emissions from the existing tower?

FOX: No, because it's not considered cumulative.

HOUSEL: Okay, thank you.

WATANABE: Okay. Maybe we can allow the testimony to be completed first; and then we can open it up to questions. So, Ms. Andrews, you want to -?

ANDREWS: Before I proceed, I just want to submit to the Commission and introduce into evidence the colored copied maps that Mr. Fox referred to as Exhibit C, just so the Commission has the clear read on these maps.

WATANABE: Okay. So I guess you would just circulate that then. And then, Mr. McCullough, would you object to that?

MCCULLOUGH: No.

WATANABE: No. Yeah, all it is is a colored copy of what was previously submitted. And I assume there is no objection from Mr. Arai?

ARAI: No objection.

WATANABE: Thank you. Okay, shall -.

ANDREWS: Let me just confer with my client for a minute. We may not have anything further. (Ms. Andrews had brief discussion with Mr. Fox.)

WATANABE: Ms. Andrews?

ANDREWS: Yes, Mr. Chairman. We have no more testimony to give. But I would just like to incorporate, as Mr. Arai testified, that his, that the County of Hawaii Planning Department's background, which they submitted as Exhibit A, and the County of Hawaii Planning Department's recommendation, we'd like to incorporate Mr. Arai's testimony supporting those documents.

WATANABE: Okay. So it's my understanding that that's all the testimony you're going to provide, and inclusive of this colored copy of the coverage map that would be all of the exhibits that you will be requesting to enter as evidence?

ANDREWS: We believe that Exhibit, I mean, the special permit application of the County of Hawaii Planning Department is in the record. But just for the record I'd offer to enter that into evidence, but it's in the record.

WATANABE: Okay.

ANDREWS: And, also, the County of Hawaii Planning Department's background and the County of Hawaii Planning Department's recommendation.

WATANABE: Okay, thank you. Are there any objections from either of the parties?

ARAI: No objection from Planning.

MCCULLOUGH: No, sir.

WATANABE: Thank you, Mr. McCullough.

ANDREWS: And, Mr. Chairman, I'm sorry, I don't know if this is the appropriate place but, Mr., as to the Planning Department's recommendation, Mr. Fox noted just a few technical type of statements that may need correcting; and I don't know if you would like it -.

WATANABE: This would be with regard to conditions?

ANDREWS: Yes. I'm sorry, the conditions, yeah. I don't know if you'd like that made clear at this time or -.

WATANABE: Maybe that would be good. For clarification purposes, which conditions do we have concerns with?

FOX: The first one, Condition No. 6, the existing pole structure has guy wires to support it structurally. The proposed monopole structure would not require any guy wires. The current site actually has a variance just for the guy wires themselves because they do intrude into some setbacks. So for Condition No. 6, I just wanted to clarify that.

WATANABE: Oh, so Condition No. 6, "used for securing guy wires to the new steel pole" Okay, so we would eliminate, you're suggesting elimination of the last sentence, "Guy wires covered with a dark green vinyl coating will be utilized," right?

FOX: Correct.

WATANABE: And you have no objection? Cause right now as it reads we're still talking about painting the steel pole a dark color.

WOODWARD: Mr. Chairman?

WATANABE: Yes.

WOODWARD: If I may suggest, evidently he's saying there are not going to be any guy wires. So I would say maybe we ought to change Condition No. 6 to say, "No guy wires will be used to secure this pole."

WATANABE: Oh, that would be an alternative.

FOX: That's acceptable.

WATANABE: But again, to clarify, the first sentence within Condition 6 indicates that the steel pole will be painted a dark color, similar to that of -.

FOX: Oh, the first sentence -.

WATANABE: Yeah.

FOX: "The collar used for securing guy wires" That would not apply for the new structure.

HAYASHI: Mr. Chair?

WATANABE: Yes.

HAYASHI: We can just make it simple; why don't we just delete Condition -.

WATANABE: Condition No. 6 altogether.

HAYASHI: No. 6 in its entirety?

WATANABE: That is fine with you?

FOX: Yes.

WATANABE: Okay.

FOX: Mr. Chairman, I had one other item -.

WATANABE: Yes.

FOX: To bring to your attention. Let's see, oh, Condition No. 5 says, "The steel monopole with appurtenances shall be limited to 120 feet in height." The pole structure that we're proposing is 120 feet. The antennas at the top actually extend another 4 feet above the pole structure to a total of 124 feet. And that's to maintain a 10-foot separation between each of the wireless carrier's antennas. That minimizes any kind of interference that they would incur.

WATANABE: Okay. Mr. Arai, any objection to the additional 4 feet, understanding that we're not really deliberating on this yet.

ARAI: I would have no objection to modifying the condition to 124 feet total height.

WATANABE: And so that 124 feet would be throughout, yeah? So that would be also, I believe that's also, oh, no -.

HAYASHI: Mr. Chair?

WATANABE: Yes.

HAYASHI: I'd be careful to not, that you not change all of the 120 feet in all of the conditions because the tower height actually will be 120 feet -.

WATANABE: And so this one will have a total height, yeah?

HAYASHI: Yeah, so the 4 feet actually is just to put the antenna on top, protrudes a little on top of the -.

WATANABE: Yeah, so that will just be No. 5 then, yeah.

WOODWARD: Mr. Chairman?

WATANABE: Yes, Mr. Woodward.

WOODWARD: If I might suggest that we rewrite it that "The steel monopole shall be limited to 120 feet in height with appurtenances not extending more than 4 feet above the top of the tower or pole." Would that work, Mr. Hayashi?

WATANABE: That would be No. 5, yeah, limited -.

HAYASHI: That's a very good suggestion.

WATANABE: A hundred and twenty feet with appurtenances, additional four -.

DOMINGO: Why don't we just make it 124 feet period?

WATANABE: Well, that's okay. I think we're clear on all of that then?

FOX: Yes, yes.

WATANABE: Okay. That was it to the conditions?

FOX: Yes, sir.

WATANABE: Oh, good. Thank you. Okay. Let's move onto cross then. Mr. Arai, do you wish to cross-examine?

ARAI: I have no questions of Mr. Fox.

WATANABE: And, Mr. McCullough, do you wish to cross-examine Mr. Fox?

MCCULLOUGH: No, sir.

WATANABE: Okay, thank you. Okay, so all of the previous exhibits that Ms. Andrews indicated are now admitted as evidence, right? And for clarification and discussion purposes, what we were referring to the recommendations by the Planning Department, they would be inclusive of the revisions just discussed, yeah, to Conditions 5 and 6, well, eliminating 6 and revising 5 to 4 feet additional for appurtenances. Okay? Is that agreeable to all?

ANDREWS: Yes.

ARAI: It's okay with Planning.

WATANABE: Okay, thank you, Mr. McCullough, for the acknowledgement. Did we, okay, let's open it up to questions from the Commissioners for the first witness. Mr. Iwashita.

IWASHITA: Thank you, Mr. Chair. Mr. Fox, in your opening statement you talked about Verizon looking at an alternative site. Can you expand on that? What alternative site would Verizon be looking at, if this pole was not extended?

FOX: Actually, I was referring to a statement made by Danette Mettler at the November 24th hearing as a representative of Verizon. She indicated that this project was actually initiated by their request, and that if the application were denied, that Verizon would be seeking a location for another pole within the community.

IWASHITA: So that's the most that you know.

FOX: Yes.

IWASHITA: And similarly, do you have any information as to any of the other carriers about relocating to another site, if this extension of the pole is not approved?

FOX: No, I do not.

IWASHITA: Okay. So your testimony is that currently this is the only wireless antenna in the North Kohala area. Is that correct?

FOX: Correct.

IWASHITA: So, the -. Okay. That's all I have. Thank you, Mr. Chair.

WATANABE: Thank you. Do you have any questions, Mr. Domingo?

DOMINGO: Yeah. Your propagation maps show the existing strength of the signal and the coverage of the present situation. Is it right?

FOX: Correct.

DOMINGO: And then the next page shows, the propagation map shows, with the increase in the height of the pole, it shows the additional areas that those signals would be broadcasting and the strength. Is that right?

FOX: Yes, sir.

DOMINGO: Yeah. Have you ever done a study with regards to whether cutting the trees would result in a similar situation?

FOX: That would definitely help the situation, if trees could be cut. But it's not only trees that are immediately surrounding the site; I believe just the trees overall in the community have grown, and I guess a lot of that is due to the reduction in the farming.

DOMINGO: Because you stated that the initial reason, I think, was due to the growth of the trees in the vicinity, and then besides that, additional interest from other wireless carriers to co-locate was the reason for this application. And I think you stressed the growth of the trees, and that's why I asked. Has any propagation or any strength of the signals, you've done any study with regards to cutting the trees? Did you folks do any study, yes or no? Just want you to say yes or no.

FOX: We looked at the trees immediately surrounding the site having cut. I don't know if we can put that location map up there again, but the site, most of the trees are actually on the adjacent parcels. The site is actually located on a real narrow strip, which is I think part of just the entrance all the way down to the main parcel itself. So the site is located closer to Kynnersley Road, and that's how access to this property is permitted. It's, actually you're driving downhill to the main property itself, so you are driving a makai direction. Most of those ironwood trees are actually on the adjacent properties.

DOMINGO: So would those properties be, that's been owned by some of the intervenors?

FOX: Correct. Some of the trees I believe are on Mr. McCullough's property. But some of the trees to the east direction are on properties where those neighbors have not expressed any concerns of the application.

DOMINGO: Now, I understand for the use of the space on the particular property you folks have negotiated a lease payment for that property. Is that right?

FOX: Correct. Crown has a long-term lease with the property owner.

DOMINGO: Okay. And now with co-owners come in, co-locators come in, then you folks would then charge those co-locators additional fee to locate on your antenna. Is that right?

FOX: That's correct.

DOMINGO: Uh huh. Okay, that's all the questions I have for now. Thank you, Mr. Chairman.

WATANABE: Thank you.

HOUSEL: Mr. Chair?

WATANABE: Mr. Housel.

HOUSEL: Following Commissioner Takashi's questions with the tree height, even if you do increase the height to 120 feet, as the trees grow, isn't this problem going to continue?

FOX: That's a possibility. I don't know how tall ironwood trees grow; I don't know if they max out at a certain height. But that could be a possible problem in the future.

HOUSEL: Okay. And then, you know, it seems like then the choice is either to clear the trees or increase the tower again, right?

FOX: That's possible. Or the carriers may decide that, you know, there is a need for another site somewhere in the community. Well, wireless industries are a lot like, they're pretty much a utility; as the need for service increases in certain areas, they need to react to that. And as new homes are built, there may be a need for additional sites, you know, in the future. I can't say for sure.

HOUSEL: Well, I guess I'm thinking out loud here. Is there anything that maybe you could work with the adjacent property owners to, you know, work together to, you know, help you and also help them by possibly topping some of the trees, which would help you, and also maybe working an arrangement with them to help them?

FOX: That is a possibility. You know, the trees have grown considerably, and I tried to show that in the photos, which were included in the application. And it's not just the trees right next to the site; it's just the trees surrounding that whole area. One of the photos actually shows the existing site, and it's below all the trees that are right around it. So I hoped to just kind of show what we were up against.

HOUSEL: Uh huh. You've mentioned before that, you know, there is a minimum distance from this tower that the FCC requires for health safety purposes. Is that correct?

FOX: Correct.

HOSUEL: What is that?

FOX: Thirty feet.

HOUSEL: Thirty feet. Is it the circumference of the tower? The perimeter of the tower?

FOX: It's actually 30 feet from directly in front of the antennas. The antennas don't shoot down, or they actually only shoot out horizontally.

HOUSEL: Okay. So it would be like a cylinder, 30 feet in circumference.

FOX: Correct.

HOUSEL: Okay. And do you know what the closest distance from the tower to an adjacent property is?

FOX: I think it's on our site drawing, and I want to say it's about 50 feet away from the nearest property boundary. Let me check.

HOUSEL: So it's considerably beyond the 30 feet. That's what I was looking for.

FOX: Correct.

HOUSEL: Okay.

FOX: And in a lot of instances that's a concern on rooftop structures. Wireless carriers always try to use existing structures whenever possible to place their antenna equipment. So a lot of times when antennas are placed on rooftops and you have people accessing the roofs for maintenance and so forth, that's a lot of times where it's a concern because people can walk right up to the antennas themselves.

HOUSEL: Uh huh. The other concern I had was, just looking at the scaled photographs with the tower, it does seem like it stands out a lot more from the roadway. Is there anything, besides painting the tower dark color, that you could mitigate the appearance?

FOX: Well, first of all, with regard to the photos, in all honesty those were the only two public vantage points where I could actually get a photo of the tower. The one where you can actually see the road, that was taken about 500 feet away from the site, looking in a north-easterly direction. The other photo is actually a zoom-in from a ¼ mile away along another public road called Kaauhuhu, which runs parallel, up and down, on the left hand side. So as far as visual impacts, I didn't see there being a significant visual impact on the community. In some instances where sites are proposed in highly visible areas – and sometimes they are because that's the only way that service can be provided in certain areas – some of my clients have proposed stealth applications designing the sites to maybe blend in with buildings, look like maybe a palm tree. I think that Sprint or Nextel did something recently in the Kona area. And because we didn't feel that there was a significant visual impact afforded by the site, we only proposed painting.

HOSUEL: Okay, okay. That's all the questions I have. Thank you.

WATANABE: Mr. Woodward, you have -?

BOWMAN: I have a question. Pardon my ignorance, but how important is it to have accessibility to the tower, I mean, do you, the maintenance? I'm just -.

FOX: Are you referring to the tower itself -?

BOWMAN: Right.

FOX: Or the radio cabinets?

BOWMAN: Anything that's associated there. I'm looking at location.

FOX: Okay. Well, when we choose sites, of course, it has to work for the design. The way cell sites work is that they kind of hand off to each other like a network. And that's what enables you to keep a phone call, if you are driving or you are in a car, you are walking, and so forth. So this site hands off signals to other sites as you are driving in certain directions. And I believe the nearest site to this is on the mountaintop of Kahua Ranch. So if you are traveling south, which is mauka, this site would hand off to other sites where the carriers have their antennas located.

BOWMAN: So if the site, I'm just saying, is, you know, located a little bit more that way, which is -.

FOX: Mauka?

BOWMAN: Mauka, where it may be, which probably is less wooded, would that make a significant difference? Or makai. But I'm looking at makai, I was looking at makai; but then, of course, the visual would be even more significant. Makai does not have the big trees; it's pretty much open area. But then for the visual, all the people in Kynnersley, that would be a visual impact. So -.

FOX: Oh, I do know there would be other factor is that Crown would have to look at, I mean, each one of the engineers would have to propagate their signals to see if the coverage has diminished, and also to ensure that it could hand off to the next existing site, which is on Kahua Ranch. We also need to be near utilities; the sites or the radio cabinets do work off the power and they do use the landline phone system as well. Some of the carriers use existing antennas and generators to allow the sites to continue when the power does go out. So that's another factor. We'd have to find a willing landlord to, you know, get a long-term lease, and, of course, the permit application process.

BOWMAN: Okay, thank you. One more question. So you have four now and the fifth, but the fifth is not known, the fifth -.

FOX: The fifth would be Mobi. They've only expressed interest; they haven't made any commitments.

BOWMAN: Okay, and pardon me, but the reason that you want to increase the height is not necessarily the fifth person but your signals because of the growth of the trees. That's the primary -.

FOX: That is the primary, correct.

BOWMAN: Okay, thank you.

WATANABE: Yes, Mr. Woodward.

WOODWARD: Are we still in questions or are we in comments? Can I make comments?

WATANABE: Sure, go ahead.

WOODWARD: Okay. Well, I would have several comments. One is there is already an existing cell tower there; it's 80 feet tall, they are talking about increasing it to 120. I think you are going to do a lot more damage cutting down a bunch of trees than you will, extending that pole 40 feet. The other thing from visual impact standpoint they are eliminating the guy wires, and those are uglier than the pole. So, you know, I personally can't see that there is much of a problem, to be honest with you. As I said, there is an existing cell tower there now, and they are talking about just putting it up 40 feet higher.

WATANABE: Mr. Iwashita.

IWASHITA: My comment would be that I guess, you know, driving out here today I drove by the big pole, big tower, in Maulua Gulch up on the hill, and I still, as long as it's been there, it's still ugly to me. I mean, if you look up the gulch, you see this big thing sticking up. I wish they would stealth that one. So what you are talking about, to me it's not just 40 feet; it's 40 feet more ugly, as far as I'm concerned. So esthetically, I just, you know, to me the height is just making it worse. So I'm really interested in -. That's why I asked you about the alternative site, because in my mind the concerns about the trees continuing to grow and all these other things, and you are probably looking at another site somewhere down the road; as far as I'm concerned, do that now, you know, just site it someplace else where you know about these problems coming up, and then you can address the alternative site with a longer view than was put in when this site was put in, because you know, I mean, it's not that long and we are talking about doing all this other stuff. So that's my comment.

WATANABE: Okay. Mr. -.

DOMINGO: Just one more question. In my observations, you know, from past experience, whenever there is a project that has been considered and that there may be some potential opposition to it in the nature of the project itself, you know, I always have asked this question: And that is – and I ask you folks also – have you folks gone through the community and talked to the neighborhood with regards to your plans and, you know, just to let them know and if there were any mitigation issues that could be considered? Have you folks done that?

WATANABE: That would be to you, Mr. Fox.

FOX: Okay. Actually, at a recommendation of the Planning Department we did send out a notice to all the property owners within 500 feet before we even submitted the application. And that was simply to notify the community of our intent to address any questions or concerns before we even filed the application. And like I said, we sent out over 134 notices. And there were several calls, several individuals that wanted more information about the project; they just wanted some information about wireless technology and the need for service. But we did not actually meet with the community association to discuss the modification.

DOMINGO: Well, I guess because you already have a monopole there, which is 80 feet, I think, I perceive that you folks felt that it would be an easier way with no opposition that you folks can go ahead and without even talking to the residents in the community. And you know, to me it's very important that, you know, aside from noticing them with regards to what you plan to do is to get it there in front what your problem is. Because actually, when you don't do that, it all filters up and comes up to the Planning Commission, and then you know, here we have a contested case hearing, and then when we find out all the facts, you know, sometimes it backfires on you folks, on the applicant and the developer. So that's why I caution to you folks.

WATANABE: Okay. If there are no other questions for this witness, then maybe what we can do is move on. So we already addressed the applicant. Let me see. Why don't we move onto you, Mr. McCullough, so that you can provide your testimony.

MCCULLOUGH: Thank you, Mr. Chairman. I'd like to begin by thanking the Planning Commission for allowing me to speak today. Also, I'd like to thank Mr. Fox; Keoni and I had a phone conversation, and I appreciate his time and aloha, and the information that he provided.

I'd like to start by addressing an issue that Mr. Domingo just brought up regarding community notification. There was what we as a neighborhood see as a flaw in their communication process. I brought that up as a point earlier. I was originally notified of the height increase in the tower by Cherie Gallo. Fox Communication failed to notify us. We are one of the closest homeowners; that would be myself, my brother and his wife, and my wife are all landowners there. And Mr. Blancato, Ralph Blancato, and Laura Hendershot were not notified. Keoni did apologize for that, but nonetheless, I think Mr. Domingo makes a very good point that, you know, that kind of upset us as a community to begin with.

And just to give you a little background on that, you know, we bought our property up on Kynnersley about nine years ago. At that time Kynnersley was a relatively agricultural area. I think there was maybe one residence, which was immediately across the street from where this tower location is. At that time it was all sugarcane land, and the tower is built on the Takatas' land, which is Ag land. There is, the yellow line, if you look at the location map, is a nursery road, a dirt nursery road, that runs down through Ag areas. Kohala Kentia is there. So when that tower was initially built, it was an agricultural area, and I'm sure there were no objections. Folks who know Kynnersley Road know that the old camp is essentially along the straight part of the road there, going up from the post office from Akoni Pule, and then where it curves it used to be all cane land. Well, you know, that's changed now. There is a, Mr. Fox indicated there is, the closest property is within 500 feet. Is that what you said, Keoni? That's actually, there is one immediately across the street from the pole. We are immediately to the left of that. There is an

area of maybe about 75 yards between the Ag land the Takatas own between us and our property. There is a new residence being built just to the north of that, I'm sorry, the east of that property. There is the Gallos; Cherie Gallo lives just to the east of that property. There is a new residence that is also accessed by the Takatas' ag road. So all together there are eight residences up in that area and potential for more; there are other properties up there for sale.

So I'd like to begin by asking Fox Communication to consider relocating the tower. First and foremost, that's how we see a potential solution to this issue. You know, this is a neighborhood area now. Kohala has a lot of areas that are open. I do recognize from what Keoni said about the need for power and phone, that it does require that type of utilities be brought to the station; but not that that can't be done. I mean, power poles are, you know, move power in it. So we would like to suggest that it's moved out of this what's now a residential area. I would also like to suggest as a potential alternative, the same thing that the Commission suggested, tree trimming. Well, I can actually give you some expertise on that. I am a horticulturist: that's been my lifelong career. Ironwood trees will grow to about 100 feet. I don't think extending the tower in an area that's full of ironwood trees is a good solution. I also don't think that cutting them down is a good solution because ironwoods are very fast growing trees. Most of those trees were established as windbreak tress for sugarcane cultivation before this became a residential area. There are ironwood trees all over that area; they run all the way down that yellow line, that road that accesses the Takata property, they are across the street. We don't really have them on our property; we have one large tree. But you know, to suggest that raising the tower to 120 feet in an area that's overgrown with trees that reach 80-foot ultimate height, I don't think they are really addressing the issue. I think they're, you know, it opens the potential for the tower to be raised again, and that is not what we want in our area. So those are two potential solutions. I would like those to be considered by Fox.

Our other, our main concern – obviously, the health risk is one of them and it isn't really taken into consideration from a legal standpoint, but I would like to address that – is property devaluation. I think if you look at the photographs that are shown in Exhibit A -. First of all, Keoni stated the trees have been trimmed recently; I do not agree with that. They are right now at, if the tower is 80 feet tall, you can look from the first site photograph, those trees are about 80 feet tall. So the point I made on the property devaluation is the extension of that tower, I would like to address Mr. Woodward's comment about no big deal, well, you know, it's not in my neighborhood kind of thing, folks. And you know, it's, if I'm a potential home buyer, and my property is listed and there is a 120-foot tower within 75 yards of it, I don't look at that as a desirable, you know, aspect that someone would say, oh, yeah, I want to buy next to a cell phone tower. So I'd like to make a point that I don't think it's something that we feel good about as far as our property values.

So you know, the background, too, I started into our history there. We bought the property about nine years ago. Since then more and more additional wireless tenants have come in. Obviously they don't have to notify us of that. But you know, we get early construction noise and, you know, all kinds of various things that again I don't think it's something that most people would want in their neighborhood, especially when there is no notification and we were wondering what's going on. So we kind of got to the point where we just felt like we had to say, you know, what is going on, we'd like to -. Particularly with the lack of notification on the extension with Fox, we felt like we needed to bring it to the Planning Commission's attention.

As far as health risk and concern, I'd like to go on the record to say there're a number of qualified people who have made statements regarding exposure to radio frequency radiation. First off, I'd like to say we are not anti cell phone. I use a cell phone. I'd like to see extended coverage in Kohala. You know, we all go, Kohala residents, you know, we know down by Takata Store there is a dead spot. There is a dead spot as soon as you leave town. So we are not anti cell phone. What we are is we are people who are concerned for our health and our children's health and our property values. And we'd like it to be considered that this tower be moved due to those two potential issues. You know, I can go through this – I'm not going to go into it too much but – it says, "Common health challenges that have been linked to regular exposure to radio frequency radiation: abnormal cell growth and damage to cellular DNA, difficulty sleeping, depression, anxiety, irritability, children and adult leukemia, eye cancer, immune system suppression, attention span deficit and memory loss, infertility." One of the main things I'd like to express is that experts say about health risk is that children are at much higher risk than adults of experiencing health problems related to regular exposure to radio frequency radiation; it's because their skulls are thinner and smaller, and it just translates to a greater absorption of radio frequency. So like I said, I'm not going to, since that isn't really deemed a legal issue here, I'm not going to go into it too much. I just, like I said, I want to go on record as that we feel like since this is now a residential community, that there are health risks and concerns. I think, again, even the FDA doesn't really know; this is a short term technology and it's kind of difficult to say whether it's safe or not without having a period of time to be able to ascertain whether or not there are risks.

So I did want to make a few statements about the information that Ali'i Wireless and Lissa have given me here. On the first page of the coversheet it says, "However, due to the growth of trees in the vicinity" Now again, one of our solutions is to do tree trimming; I think that that can be addressed. And then there is another thing that I've highlighted here, "Since the construction of the 80-foot tall monopole in 1997, the surrounding ironwood trees have grown considerably." Again, our statement is trees can be trimmed. On the second page there is a statement that says, "Since this particular location has been originally cleared for agricultural purposes" Okay, so that's, I'd like that to, I'd like it to be documented that, you know, they all are recognizing that this was originally an agricultural area and now it is a residential neighborhood. Again, Exhibit A, the site photographs, shows you the heights of the trees, of all ironwood trees. And again, being that they have the potential to grow another 20 feet to about 100-foot height, you know, it justifies our issue that either the tower should be relocated or trees should be trimmed; raising the height is only a Band-Aid solution. Okay – do I have any issues with Exhibit B, yes, I do – Page 3 of Exhibit B states, second paragraph, first sentence, "The desired use shall not adversely affect the surrounding properties." I dispute that and all my fellow neighbors do – everything I've cited, property values and health considerations. All right. Also, Page 6 – I think this is still Exhibit B – and I might need clarification here. It says, "The request will not be contrary to the General Plan." And so I'm assuming then the General Plan is explained on Page 7. Is that correct? Is there anyone who can give me clarification on that, please?

WATANABE: Mr. Arai.

ARAI: Thank you. The General Plan is a much larger document that covers various elements. What's articulated here on the subsequent pages are just those specific

elements, goals, policies and standards, which we find are consistent with the issuance of the Special Permit for the tower.

MCCULLOUGH: Okay, thank you, Mr. Arai. So that confirms what I would like to dispute here. If the General Plan states, under Economic Element, "Provide residents with opportunities to improve their quality of life," I do not see any opportunities for improving our quality of life for an expansion of the cell phone tower in our area; bringing down our property values, exposing myself and our children to radiation, I do not see it as an improvement of our quality of life. Okay. Going down the page, under Natural Beauty, "Protect, preserve and enhance the quality of areas endowed with natural beauty, including the quality of coastal scenic resources;" I do not see extending the tower 40 feet up into our viewplane as protecting, preserving and enhancing the quality of our area, and that isn't indeed endowed with natural beauty. Next item, "Protect scenic vistas and view planes from becoming obstructed;" you know, that's self-explanatory, another 40 feet on this tower is not protecting our scenic vistas or viewplanes. Third item, "Criteria of safeguards of natural beauty shall be provided in the design review of developments so as to blend and harmonize man-made elements with their natural setting;" again, I mean, look at the photographs, that tower does not blend with nature at all, that's a steel tower that is quite frankly ugly. All right. Public Utilities, the third item, this is the last item on the page, "To have public utility facilities which are designed to fit into their surroundings or concealed from public view;" adding another 40 feet is not concealing the tower from public view, it's extending into public view. Okay, the next page, Page 8 – and I'd like clarification from Mr. Fox on this one – states, "The replacement monopole with appurtenances will be no taller than the existing pole with appurtenances." How -. Is that correct? I mean, it says it's no taller than the existing pole, and you're telling, we've been told it's another 40 feet. So is that a typo or -?

ARAI: Mr. Chairman?

WATANABE: Yes.

ARAI: Maybe I can clarify. Mr. McCullough is actually looking at the Special Permit that was issued in 2002 to allow the 80-foot existing monopole.

WATANABE: Uh huh. So actually -.

ARAI: So it's not reflective of the current proposal for the 120-foot.

WATANABE: Yeah, okay.

MCCULLOUGH: Thank you for that, Mr. Arai. Thanks for the clarification there. So the last thing I'd like to submit as evidence is the last exhibit, Exhibit E; it's a list of property owners within 500 feet of the tower. If this of anything confirms that this is not an agricultural area, you know, just by gauging it, there're 100 homeowners here within 500 feet of this tower that -. And most of these people are, you know, Kohala people; I don't think they are going to make a big issue of it. I think if they were aware of the potential health risks, it might be more of an issue to them. I think if they lived as close to the tower as we do and were concerned about their property values, it may be more of a concern.

But the last thing I'd like to say here is, you know, this supports our position, you know, that if the tower can be moved, you know, there's lots of rural area in Kohala, and if the tower can be moved, that would ultimately what we would like to see just because, you know, this is obviously not a rural area but a residential neighborhood, and given the safety concerns and the issues of property devaluation and viewplane issues, that we would see that the best solution would be to relocate the tower. Again thank you for your time.

WATANABE: Thank you. Okay. Cross, Ms. Andrews?

ANDREWS: Yes, very briefly. Mr. McCullough, you kept mentioning that the property you're living on and the other adjacent lot are residential lots. Is that correct?

MCCULLOUGH: Yes.

WATANABE: Please, into the mike. Thank you.

ANDREWS: Isn't that property still zoned Agricultural?

MCCULLOUGH: It is zoned Ag, yes.

ANDREWS: It's still Ag land.

MCCULLOUGH: It is Ag land, yes.

ANDREWS: You also testified that you are very concerned with health issues that you believe might be presented by the tower. Is that correct?

MCCULLOUGH: Yes.

ANDREWS: And you also testified that you are concerned with the diminution, the possible diminution of value of your property. Is that correct?

MCCULLOUGH: Correct.

ANDREWS: You also testified that you bought the property nine years after the tower was put on the site. Correct?

MCCULLOUGH: No, that's incorrect. I'm not exactly sure when we bought the property. I can, if that information is required, I can look into that. The tower, according to this, was built in 1997, and I believe we bought the land in about 1999.

ANDREWS: So you bought your property after the tower was already on the property. Is that correct?

MCCULLOUGH: At this time I'm not going to say whether that's correct or not; I would need to talk to my brother. I was in Guam working when we bought that property. And to be

honest with you, I'm not exactly sure of the purchase date. So I don't know if the tower was there or not. I came back to Hawaii, lived in Lanai for a while, and didn't move back to the Big Island until 2000. So I can't for sure say whether or not the tower was built when we bought the property or not.

ANDREWS: So it's possible that the tower was already there when you bought the property. Isn't that correct?

MCCULLOUGH: It's possible. I don't, I can't confirm or deny that.

ANDREWS: Wouldn't you have noticed if the tower was already there when you purchased the property?

MCCULLOUGH: I'm sure we would have, yes.

ANDREWS: But as you said here today, you don't know whether you bought before or after.

MCCULLOUGH: Yes, that's -.

ANDREWS: But you believe possibly you bought in 1999.

MCCULLOUGH: That's what I'm guessing.

ANDREWS: And at that time you didn't know whether the tower was there or not, as you said here today.

MCCULLOUGH: I don't know. I told you I was in Guam. I don't know if the tower was there or not.

ANDREWS: Okay, thank you.

WATANABE: Ms. Andrews, I believe he testified that he was in Guam, so I assume his brother was the agent that purchased the property.

MCCULLOUGH: That is correct, Mr. Chairman.

WATANABE: But it seems to be established that was more than likely purchased in 1999?

MCCULLOUGH: I think that's accurate.

WATANABE: Yeah, it's pretty accurate?

MCCULLOUGH: I'm, you know, again, like I said, I don't know for sure, but I think that's about right.

WATANABE: Okay. That concludes your cross, Ms. Andrews?

ANDREWS: Yes.

WATANABE: Okay. Any cross, Mr. Arai?

ARAI: Just a couple of questions. On several occasions, as was noted that you did make reference to the possible effect on property values. You do understand that the current request is to increase the tower height from the current 80 feet to 120 feet.

MCCULLOUGH: Yes, sir.

ARAI: Do you have any empirical evidence or documentation to demonstrate that increasing the tower height from the current 80 feet to 120 feet will have detrimental effect on property values?

MCCULLOUGH: No, I don't.

ARAI: Okay, thank you very much. No further questions.

WATANABE: Okay. Then let's open it up to questions. And I kind of let that get away the first-time round; so let's try and contain ourselves to questions rather than deliberation. Mr. Domingo.

DOMINGO: Okay. Mr. McCullough, in your argument, so-called argument against the increasing of the height of the pole -. I'd just like to mention first that my previous question to Mr. Fox as to whether or not they went into the community and made an effort to get people together and explain the project, if that in fact was settled, if they did, it was not a question whether the notification was done in a timely manner because I realize that it all met the requirements of the law. It's only, my question was to clarify whether that communication with the public was, the residents was done, okay? Mr. McCullough, in your argument against the increasing the height of the pole, you were going through certain issues with regards to the increasing of the height of the pole does not meet the statements within the General Plan?

MCCULLOUGH: Yes, sir.

DOMINGO: Okay, thank you very much.

WATANABE: Any further -? Ms. Bowman.

BOWMAN: I have a question. Thank you for your input. The exposure to radio frequency radiation, is that just from cell phone towers, or is it all radio frequency radiation, which would include cell phones?

MCCULLOUGH: Yes, Ms. Bowman. It's cell phones as well as radio towers, yes.

BOWMAN: Thank you.

WATANABE: Mr. Iwashita.

IWASHITA: I just want to clarify that for the record, Mr. McCullough, that because Federal law is what lawyers call preemptive, it preempts us as a local governing body to even consider any health effects as long as, you know, the condition that would be required, if this is passed, is that companies have to meet the FCC guidelines. I want to make clear on the record that, for myself anyway, the law is clear that any health concerns that you or the other community members have, you know, they have to address to Nancy Pelosi and Harry Reed and the president to change the law; otherwise, that's what it is, you know. Whatever congress passed that law, they deemed themselves the experts on this health issue, and told us that we can't deal with that. So I want to make clear that in my deliberations on this – I know there have been discussions about it, but all of that is on the side – I can't consider it at all in making this decision. So I just wanted to make that clear, as long as you understand that, so the record is clear on that point. And I'm sorry, Mr. Chair, but I don't have a question.

WATANABE: Okay, thank you. It doesn't seem like we have any further questions. So I believe there are, I assume, let's say, there are no objections to any of the Exhibits that Mr. McCullough has entered, aside from the one that I already ruled that was inadmissible.

ANDREWS: Yeah, I have nothing further to add on that. Thank you.

WATANABE: Okay. Then Mr. Arai?

ARAI: No objections.

WATANABE: Okay. Well, your chance, you are the last party. So you can present your argument.

ARAI: I'm sorry I wasn't really prepared for this. Basically our recommendation that was presented to all of the Commissioners, as well as to the applicant and the intervenor, speaks for itself. The visual impact that could be created by the proposed increase in height was a consideration. Our decision to support the amendment to the Special Permit was not done at the absence of such consideration. That is why we do -. It's a matter of balance; weighing the known impacts, applying what we feel is proper mitigative measures such as applying the dark painting, knowing that the tower to be constructed will be done so in the absence of guy wires, all of that played a role, and led to our decision to support the proposed amendment. And I have nothing further to add at this time.

WATANABE: Okay, thank you. Any cross, Ms. Andrews?

ANDREWS: No.

WATANABE: Mr. McCullough? Any cross?

MCCULLOUGH: No, sir.

WATANABE: No? Okay. Then I'll open it up for questions from the Commissioners.
Mr. Iwashita.

IWASHITA: Thank you. Mr. Arai, I guess my previous comments reflect basically, I guess, my preference that really there will be alternate siting under the current circumstances. So as far as, you know, obviously, an alternative site would be better than, or would get rid of the adverse visual impact in any consideration. Is that right? I hope I'm not being argumentative, but -. Do you agree with me that basically if instead of increasing the height that, given the visual plane concerns, that additional height and the possibility -. I guess, is it possible, you know? One of the things that was mentioned earlier in Mr. Fox's opening was in 2002 the original thought was the pole should go to 168 feet, and that was --- they sort of withdrew that. But that's a possibility, right? I mean, if the ironwood trees grow to 100 feet, 168 feet would be what's necessary in order to mitigate or, you know, put the transmitters/receivers above that tree line, right? The 120 feet wouldn't work anymore for the bottom three or four antennas.

ANDREWS: Can I answer that?

IWASHITA: I'm asking Mr. Arai.

ANDREWS: Oh, I'm sorry.

ARAI: It is always possible. As, I think, Mr. Fox indicated, there is the probability of if the trees continue to grow, then there may be a need to increase the tower height. But Mr. McCullough also testified as, that he is familiar with, he is a horticulturist, and he indicated that the ironwoods grow to roughly a height of 100 feet. And I didn't hear anything indicating that it would necessarily have a tendency to go beyond that maximum height. That being said, one could reasonably conclude that the 140-foot tower height being offered now could resolve the line-of-sight concerns at least for the near term.

IWASHITA: We're talking about 120, not 140.

ARAI: I'm sorry, I'm sorry, 120.

IWASHITA: Right. Okay. So, thank you. I guess the rest of it would be just my statement of this issue. Thank you, Mr. Arai.

ARAI: You're welcome.

WATANABE: Any further questions? Ms. -.

BOWMAN: I have a question of the applicant because I'm not familiar with the financial end of it. What would it cost to build a new 120-foot tower versus adding on? I mean, do you have any ballpark figure?

FOX: On a brand new antenna site? Is that what you are asking? What -?

BOWMAN: Yeah, because, okay, you are not adding onto this tower; you are basically taking this one down and putting up a 120-foot -?

FOX: Correct. Pole only.

BOWMAN: Okay, so if you put it somewhere else, would it be the same price? I mean, not the same, I mean, obviously if it was far away from the main road and everything, but say, if you were to relocate it just above the road in a spot that would be sufficient and kind of in the same proximity to the utilities that you need.

FOX: Well, we wouldn't only have to pay for the new pole structure, I mean, there's associated radio cabinets, and utilities that are brought to the site as well. So it would definitely require all new infrastructure for an entirely new antenna site.

BOWMAN: Okay, I see. Pardon my ignorance because I'm trying to figure this out, okay? So it would be ballpark twice as much, three times, four times?

FOX: It would be at least a quarter million dollars.

BOWMAN: More?

FOX: For an entirely new antenna site, a 120-foot pole with the radio cabinets removed, correct. And then there, of course, would be the cost of dismantling the existing site added upon that.

BOWMAN: Okay, a quarter of a million. And then to replace the pole at this site would be approximately how much?

FOX: Probably \$100,000, just ballpark.

BOWMAN: A hundred thousand versus 250,000.

FOX: Correct.

BOWMAN: Okay, thank you.

WATANABE: Okay. So I guess we can move to closing arguments then, yeah?

IWASHITA: Sorry -.

WATANABE: Yes, Mr. Iwashita.

IWASHITA: I just want to follow up on Commissioner Bowman's questions. I guess as far as the alternative siting of an antenna, in order to get the same kind of coverage at an alternate site, if there weren't trees and all of that at that site, then you wouldn't need a 120-foot pole conceivably, right? It could be a just 80-foot pole or something like that.

FOX: It's possible -.

IWASHITA: Okay.

FOX: If we were to find an ideal spot like that, correct.

IWASHITA: Right. Okay, thank you.

WATANABE: Okay. Shall we proceed to closing arguments? Ms. Andrews?

ANDREWS: Mr. Fox will give our closing argument.

WATANABE: Okay. Then Mr. Fox.

FOX: Again, thank you everyone for your time. I really just wanted to focus on the premise behind the application. It would be ideal if we could get a 168-foot tall pole; then we wouldn't have to worry about the future growth of the ironwood trees, we'd have perfect coverage. Crown came in with the 120 feet as a compromise. They took the visual impacts of the site into concern. And by building a site where all wireless carriers can co-locate on one structure, that works with the, my understanding of it, the Planning Department's policy, is to allow co-location on one structure to minimize the proliferation of antenna sites in a community. It's unfortunate that Verizon has already indicated that if they cannot get the additional height, they are definitely going to be seeking a location for another tower. They are not a tower owner and operator; they don't build sites. Although they will build a site for co-location, they do not take all the other carriers' needs in mind when they build sites. So it's possible that the other companies who are also co-locating on the site could follow suit. You could have four additional towers being proposed in the community because those carriers aren't getting the coverage they need from this existing site.

Furthermore, I just really want to stress on the Commission the importance of improving communications in the community. It's important for the E-911 service, for safety. It's not only the providing coverage just in the North Kohala coast community. It's covering the ocean vessels that are traveling through that channel; it's a very precarious channel. There're a lot of people that kayak up and down that coast and into Pololu Valley. There're a lot of people, more and more people are driving that back road to Hana now. So the importance of improving the communications is critical for safety. I just wanted to impress that upon the Commission.

WATANABE: Thank you. Mr. McCullough, care to provide some closing arguments?

MCCULLOUGH: Yes. I'd like to again thank everyone. I will take back to my community neighborhood that I was, being that this is a first-time experience with the Planning Commission, that I really feel like we were heard here. And again, I want to thank you for that.

Just to reiterate our points, our position is that due to the fact the tower was built in an agricultural area that is now a residential neighborhood, we feel like this is a poor location, especially considering that it's surrounded by vegetation that will require constant pruning to keep the tower working how the companies want it to work. That's a little bit alarming to me, a

168-foot tower, you know. Now we are looking at, well, the signal, we didn't quite get what we wanted, now we've got 120 feet, now we need to go up to 168 feet. So that's a little alarming to me that potentially we could have a tower up there that tall, if this new solution doesn't work.

Again, you know, we are not anti cell phone. We are not anti technology. Keoni makes some good points about the need for emergency communication in our community; I agree with him on that. Again, just our position is that it's the bad location, and we would like to suggest that it be either relocated or at the very least, rather than raised, the trees, the vegetation would be trimmed around it.

I would like to make a statement in regards of the trees. You know, we are talking about 100 feet. I wanted to be noted that we were talking about 100 feet from the same altitude as the tower. As you go mauka – and many of the trees that are maybe blocking the signals are mauka of the tower – that extends the height of the trees, potentially even higher than the extension height. So I just, it's worrisome to me that it's a vegetation issue, and that the trees are going to require ongoing trimming. So our suggestion is to relocate the tower. Thank you.

WATANABE: Thank you. Mr. Arai? Closing argument?

ARAI: We ask the Commission to consider the favorable recommendation on this amendment to the Special Permit, along with the recommended conditions of approval, which we feel adequately address any anticipated impacts that may be generated. We also ask the Commissioners to keep in mind that this is an amendment to an existing Special Permit, which already allows an 80-foot high monopole. As it was mentioned earlier, the proposed 120-foot tall monopole will be constructed eliminating the guy wires, which also create a visual impact. That being said, we are comfortable with our recommendation; and along with the conditions of approval, we stand by our position. Thank you very much.

WATANABE: Thank you. Anything final to add, Ms. Andrews?

ANDREWS: No, thank you.

WATANABE: Okay, then assuming there are no further questions -.

BOWMAN: I have a -.

WATANABE: Yes, Ms. Bowman.

BOWMAN: Can I ask Mr. McCullough a question?

WATANABE: Sure.

BOWMAN: Being that I live in Kohala, I just want to get an idea and, I think, the Commissioners to get an idea. Basically the residences, your residence, Blancato's, your viewplane is mainly makai?

MCCULLOUGH: No, our viewplane, Ms. Bowman, is looking mauka to makai, and the tower is on our eastern side. So looking at the tower location, we are to the left of that red spot. So the tower, as we come into our driveway, we can see the tower from our driveway as you turn in, and from our residence you can see the tower, if you are looking towards the east.

BOWMAN: Okay, towards the east. I mean, but most of the viewplane which – I’ve been to Ralph’s and Laura’s, and I haven’t been to yours but – is mainly looking makai to the ocean.

MCCULLOUGH: That’s correct.

BOWMAN: I mean that’s where most of Kohala’s viewplanes are.

MCCULLOUGH: That’s correct.

BOWMAN: Okay, thank you.

WATANABE: Okay. Mr. Domingo.

DOMINGO: Thank you, Mr. Chairman. Mr. McCullough, again as you were emphasizing your concerns against the tower, you went through the various elements of the General Plan to indicate that the tower does not meet the expectations of the General Plan. Can I ask him if he can go through them again? I want to really see to what extent or to what degree, you know, the tower does not fit into the elements of the Plan.

WATANABE: Well, maybe not the whole thing. Can you very briefly summarize your points?

MCCULLOUGH: Yes, Mr. Chairman. Thank you for recognizing that, Mr. Domingo. In a nutshell: Economic Element, “Provide residents with opportunities to improve their quality of life;” Natural Beauty, “Protect, preserve and enhance the quality of areas endowed with natural beauty, including the quality of coastal scenic resources. Protect scenic vistas and view planes from becoming obstructed. Criteria of safeguards of natural beauty shall be provided in the design review of developments so as to blend and harmonize man-made elements with their natural setting;” and under Public Utilities, “To have public utility facilities which are designed to fit into their surroundings or concealed from public view.”

WATANABE: Thank you. Does that satisfy you, Mr. Domingo?

DOMINGO: It does, Mr. Chairman. Thank you very much.

WATANABE: Okay. I assume there are no further questions then. Mr. Housel.

HOUSEL: Thank you. I want to maybe address this to Mr. -. Keoni. Keoni, right? Mr. Fox. You know, I see by the chronology that Crown Castle did conduct public meetings in 2002, and apparently, you know, that was successful because there were, they did seek public input and changes were made to their request at that time. So I would certainly encourage,

especially in light of some of the miscommunication, you know, the people who weren't notified in that community, to try to get everybody to find the common ground, I would certainly, you know, if indeed the Commission decides today to approve your application, I would certainly encourage you to go out to the community and try to have some public meetings with them and see if you can work things through the community. Thank you.

FOX: Thank you.

WATANABE: Okay. If there are no further questions, then may we have a -. Mr. Iwashita. I'm sorry.

IWASHITA: I'm prepared to move to close the hearing.

WATANABE: Thank you. Do we have a second on that?

BOWMAN: Second.

WATANABE: Thank you. Any discussion on this? I don't think we need a roll call vote, yeah, on that. Or should we have -?

TORIGOE: You don't have to.

WATANABE: All those in favor of closing the contested case hearing, please say aye.

COMMISSIONERS: Aye.

WATANABE: Any opposed? Okay, with that, the contested case hearing is closed, and we'll enter into deliberation. So you all may be seated. As a reminder, because the hearings are closed, we are not going to enter any more new evidence, we are not going to ask further questions of the intervenor or other parties, okay? So with that, either entertain deliberations or a motion. Mr. Iwashita.

IWASHITA: I guess for discussion purposes I'm prepared to make a motion.

WATANABE: Okay, go ahead.

IWASHITA: As to Applicant: Crown Castle International, SPP 1191, for an amendment to Special Permit No. 1191 to allow the replacement of an existing 80-foot monopole with a 120-foot steel monopole, I move that the application be denied.

WATANABE: Do we have a second to that?

DOMINGO: I second.

WATANABE: Okay, we have a motion to deny the Special Permit. Any discussion on this?

IWASHITA: If I may, Mr. Chair?

WATANABE: Yes, Mr. Iwashita.

IWASHITA: Thank you, Mr. Chair. The purpose, the rationale for my motion to deny is that, given all of the facts in this case, I truly believe that an alternative siting for another tower is probably the better alternative, given the physical limitations especially the plentiful amounts of ironwood trees in the area, and that, that's what we are looking at is that, you know, as recognized by the decision in 2002 to cut back from 168 to the 80-foot, I mean, they cut it in half at that time, or actually this 120, I guess. So to me, it's a real temporary kind of measure, and it's best, it really would be best in my mind for the community overall to look at alternative sitings for cellular antennas for the North Kohala community. And I guess it's my understanding that, given the passage of the North Kohala Community Development Plan, there is imminent now the selection of the Action Committee to implement the Plan. And I guess my druthers would be that the carriers would go to the Action Committee once they are established, and enter into a community discussion as suggested by my fellow Commissioners here to get sitings for alternative antenna or antennas that the community can support, and approach it from that angle. And any kind of alternative siting I guess in my view at this point would probably require some action either by this body or the County Council depending on how they want it to proceed. But I would -. Those are my concerns and the purpose for my motion to deny it at this point because I believe that this is really just a temporary kind of solution under the facts presented to us, and that a longer term community based solution should be sought at this time. Thank you, Mr. Chair.

WATANABE: Okay. Mr. Domingo.

DOMINGO: Thank you, Mr. Chairman. I have often represented occasions where cellular towers are proposed to be built, then whenever they are built near residences, that I would have a concern for it. I think Mr. McCullough went down the issues of the impacts of cellular towers, and more specifically when it's built near residences. And along with the fact that he mentioned some of the impacts to the facts of the antenna signals – I won't use that as an argument with regards to the impact of the signals – but the fact that it's there and put in a place where it is, and I think he mentioned that, you know, one of the effects with that would be that they live in anxiety, you know; whenever they see that and whenever they know that it's there, it's within them because it's something that's been put there that it's disturbing and the fact that they are not used to it. And I've seen one individual that I know of who had this anxiety, and it has formed a block in his mind; even today he will not trust in government, more so with the state and local government as to kind of decisions they make from time to time which affect people, you know. So when you speak of being impacted by it and having anxieties, I certainly believe that. And I for one if I were to be within a distance of a cellular tower, then I would have the same concern. If the residents had come up this morning or in the past and said in full support in unity, and said we have no problems with the tower being there, we understand, you know, we heard several impacts it will cause, we understand it because we know the benefits of it.

Now, I live in Kapulena, which is 4.7 miles away from Honokaa. Several years ago they built an antenna above Honokaa; I still couldn't get any signal. And just recently, in fact, in Honokaa – I

think we are all familiar with Tex Drive-in, well, across from Tex Drive-in on the same side of the street is a former Tex Drive-in and now it's being used by for some Laundromat or something – on top of the building was a cellular tower, and then they recently added to it, and I think they have other people -.

WATANABE: Co-locators.

DOMINGO: Co-locators are there. I still don't have the signal in Kapulena, 4.7 miles away. You know, so I know when they say that other people would benefit the use, the building of this tower, all the way from Hana and out in the channels and other expanded areas; I think it's well, it would benefit them. But I don't think it should be done at the expense of people who live nearby.

WATANABE: Okay, thank you. Do we have any further discussion on this?

BOWMAN: I do.

WATANABE: Yes, Ms. Bowman.

BOWMAN: Being a resident, it is very difficult for me because I know especially signals in Halaula – that's a really populated area – would be affected and increased, and in general in Kohala. My support for the motion is not necessarily the health hazards – I need to put that on record – nor is it the viewplane from the residence; my support comes from, I think as Mr. Iwashita said, that the long-term, I mean, if we have to keep trimming trees and like Mr. McCullough said, if the trees mauka of the tower can grow even taller, so you know, I don't look at increasing the height as, or I look at it maybe more as a Band-Aid. And I realize for the applicant, you know, that's going to be \$250,000 versus \$100,000. I just think if there is another location where the signals can be as good and maybe a higher tower because Kohala will be growing – I don't know, you know, with the present economic trend, if it will be growing as fast as we have seen it growing the last ten years. So I just need to for the record voice my opinion, and I'm still undecided because it is a very difficult decision. Thank you.

WATANABE: Mr. Woodward.

WOODWARD: I'll be very brief. The preponderance of the evidence is that Mr. McCullough, the intervenor, bought his property when the cell tower was already in existence. So I think a lot of his arguments are a little difficult to defend. And so I would support the Director's recommendation.

WATANABE: Okay. If everyone has kind of voiced their opinion, let me chime in. We have a discussion about proximity to people and maybe we object because it's close to people; my question would be what happens when you get into New York City. Where will you put a cell tower then? Is there anywhere in New York City where you are not close to people? And yet we have them all over the place. We have a Federal law that says, you know, in theory – and I realize it's a theory, maybe 20 years from now they will prove otherwise – but in theory we shouldn't consider all this cause in theory if you follow the FCC regulations, it's not harmful to people, not for health reasons. We have discussions about line of sight and alternate sites. So

the only way you are going to resolve alternate sites is go to an open area, and put a big ugly tower, as those who object to this tower, in the middle of an open field and not put any trees up, so that we won't have to trim any of those trees. I can recall us approving a cell tower in Waimea, and one of the conditions was that you will place trees that will grow to 150 feet tall around those cell towers to provide the buffer, which kind of sounds like, wow, what are we doing here, so that we can trim the trees there? Now, even if you went to a higher site, the top of Kohala Mountain for example, and you didn't plant any trees right around that site, we cannot regulate who is going to grow trees right below that tower in the adjacent site. So we can't go out and say, well, you know, because we want 911 coverage, we are going to disallow any trees that grow above 20 feet because now some individual in some valley will not have cell communication coverage. I think the fact that we are requiring them to co-locate helps because now you minimize the amount of towers. And this likens to something also in Kohala; we have been talking about green energy, global warming and the need for sustainable energy, and then we have people complaining about windmill farms that do not burn any fossil fuels and saying it's in my line of sight and obstructing my vistas. At some point we are going to have to decide what we want. I suppose we could all go back to pounding poi on the rocks, but I don't think that's going to happen. With that in mind, I think we have to realize that there has to be some level of balance. Now, as Mr. Woodward stated, the preponderance of the evidence is that this tower was there since, and if I got the testimony right, 1997, approximately two years prior to Mr. McCullough purchasing the property. So in all likelihood it was in existence then. He is not complaining about his vistas; he is complaining about someone else's vistas. But you know what? No matter where you put it, it's the NIMBY effect; not in my vista, put it in his vista. But we do need 911. So where do you, where does it end? The world is not comprised of one individual. And that is not to diminish Mr. McCullough's concerns or any of his neighbors' concerns. It's just balance to me. And with that in mind I would support the Director's recommendations. Thank you. Mr. Domingo.

DOMINGO: Thank you for your comments, Mr. Chairman. It has a lot of meaning and some sense. I'm just making one, I'd like to make one observation. For me at this time at this particular time, when you look at the island and its growth and the rate of growth and the island being as big at this time, the one thing that we have going for us is that we can be selective; and I'm not saying that the tower is wrong, but I think we have the comfort of being selective and deciding, and being the island that it is now, we have options that we can look at and make sound decisions that would benefit and allay the concerns that are before us. And you know, I feel that these families, they knew the tower was, if they knew the tower was there when they bought the property as in Mr. McCullough's situation, or if he knew that he bought the property without the cellular tower there, and the fact of the matter that, then that doesn't matter; the tower is there, the tower is there. And if improvements are made with respect to its current limitations, they cannot oppose it or anything because they have already been granted a permit to put it up. But I think when it impacts on the lives, specifically with those who live in the immediate vicinity, that's a problem. And I think the ability to be selective is something that's going for us today as we make our decisions. If we live in New York City, you know, I don't think we have the comfort of being selective because of the city in itself being as it is. But I think here we have the option to be selective and choose what we think is right.

WATANABE: Okay, thank you. Mr. Iwashita.

IWASHITA: Thank you, Mr. Chair. Just, I agree that it's always a balancing proposition that we face when we make decisions as Commissioners. The balance for me really is, I guess because all the Commissioners know my tendency towards community development and how that really involves the community in a process, you know, that we cannot match here at this level, and that we are not talking about -. The other obvious thing is that cellular technology provides emergency benefits and all of those things, which are present right now, and we are talking about trying to expand that, which I think we all recognize would be a community benefit. And as far as property values, that cuts both ways. Obviously, there would be some -. In my mind it's rather clear that, you know, in a market where buyers have to choose between living next to a cellular tower and, not that has some obvious ramifications, but for the community in general, obviously, if you had more cellular service in a community, I think that's, like, Mr. Domingo would probably get a better price for his house if he can get the cellular service, right? So it cuts both ways on that score. In the end, though, I really look at this as, the preponderance of the record is clear that what we are looking at is just a temporary solution. And so if that is a given, as it is in my mind, then it's much better to deny this application, have the parties, the developers go to the community and work out a better long-term solution for the North Kohala community; one that, you know, hopefully, in the end they'll come back here and it'll be almost unanimous presentation in terms of where they want this cellular infrastructure to be built. So that's where I'm coming from. I think the balance is really against a temporary, you know, alternative where in five or ten years they'll come back and say it's not tall enough, we need a 168-foot tower, and the balance, you know, is to just keep going higher, as opposed to having a community-base solution to alternative sites, which would have a longer benefit for the entire North Kohala community. Thank you, Mr. Chair.

WATANABE: Okay. Further discussion? Okay, then let's make it clear the motion is to deny the Special Permit, and I guess your reason is that it's not a long-term solution.

IWASHITA: One of them.

WATANABE: Because we do have to provide reasons, right?

IWASHITA: Oh, yeah, I would, the rationale for my denial would be those that I've stated on the record in their entirety.

WATANABE: Okay. So we are clear about the motion. So then, Mr. Darrow?

DARROW: Thank you, Mr. Chairman. The motion before us is to deny the amendment to Special Permit No. 1191. With that, I'll take the roll. Commissioner Iwashita?

IWASHITA: Yes.

DARROW: Commissioner Domingo?

DOMINGO: Yes.

DARROW: Commissioner Bowman?

BOWMAN: Yes.

DARROW: Commissioner Housel?

HOUSEL: No.

DARROW: Commissioner Ogata?

OGATA: No.

DARROW: Commissioner Woodward?

WOODWARD: No.

DARROW: And Mr. Chairman?

WATANABE: Nay.

DARROW: The motion does not pass, three to four.

WATANABE: Okay. It would appear that we are at an impasse. But we have accomplished at least one thing: We've gotten through the contested case hearing. We have seven Commissioners here. And I guess the next time we would meet -. We do have a February meeting, yeah, Mr. Hayashi? We have one in Kona? We cancelled the Hilo one.

HAYASHI: Yeah, we do have a February 20th meeting. I think it's the 20th, 20th.

WATANABE: Twentieth. Then, I don't suppose anyone is going to change their mind, you know, within the next couple of minutes, so shall we – well, it's under my purview because it's a contested case hearing – shall we agree to continue this to the February 20th meeting at which time we can begin with just a refresher and move to deliberation? Is that agreeable?

IWASHITA: No objection.

WATANABE: So why don't we move this to the February 20th calendar, and hopefully, we'll be able to get the votes one way or the other at that meeting. Okay?

HOUSEL: Mr. Chair?

WATANABE: Mr. Housel.

HOUSEL: I have a question as a matter of procedure. The other witnesses were not able to testify today, to be here to testify. Could they -?

WATANABE: They could testify from -.

HOUSEL: Could they testify then?

WATANABE: They could testify from a member of the public.

HOUSEL: Okay.

WATANABE: They would be free to testify from a member of the public.

HOUSEL: Thank you.

BOWMAN: Question.

WATANABE: Yes, Ms. Bowman.

BOWMAN: Maybe for clarification. During this time can the applicant, you know, come back with maybe alternatives, if there are any? I mean, my concern is, maybe there is none, but I don't know that. I know that the case is closed, but we're still talking about the project itself.

WATANABE: Yeah, surely the applicant at their discretion could look for an alternative site, they could cancel this application for Special Permit, etc. But realistically, do you really believe they are going to renegotiate a long-term lease, get HELCO's approval to bring power into the site, and put a 120-foot pole in the middle of a cow pasture without growing any trees around it?

BOWMAN: Well, my -.

WATANABE: In 30 days? I don't think so.

BOWMAN: Or an alternative site that may be feasible. I'm not saying that, I don't know, I'm just wondering.

WATANABE: Again, if they find an alternative site, this is site specific -.

OGATA: They'd have to withdraw this.

BOWMAN: Then they'd have to withdraw this -.

WATANABE: Yeah, they would have to withdraw this and all of that; and I don't see that happening in 30 days.

BOWMAN: Okay, thank you. Just clarification.

WATANABE: Mr. Domingo.

DOMINGO: What I'm saying is, something that might be possible is that they all sit down, the parties sit down and see how they can mitigate some of the concerns that have been expressed. And that is why -.

WATANABE: Oh, there is nothing to preclude that.

DOMINGO: Yeah, that's why, you know -.

WATANABE: Yeah, but that's not an alternate site; then short of their moving the tower, it doesn't seem like any of, or at least, doesn't seem like Mr. McCullough is interested in a compromise, right?

DOMINGO: Well, I don't think that precludes them from going to those people, talking to them. That's why -.

WATANABE: Yeah, I'm not suggesting that.

DOMINGO: That's why my initial question at the very beginning was whether or not they had gone to the residents and the people surrounding the area who'll be, who they feel impact those people if they had gone to talk to them. And I found out in many instances where that has been done, you know, many concerns have been put aside and laid and they came up with support.

WATANABE: Okay. Yeah, I'm certainly not suggesting we preclude them from discussing it with the neighbors, okay? Yes.

WOODWARD: I would just echo Commissioner Domingo's comments that we've seen a number of cases where seemingly everything was at an impasse and the parties get together and they come back to us and it's all sweet as sunlight, and then that changes things. So I would think, you know, that's one thing that can be done in 30 days. I think the thing about an alternate site, that's not going to be done in 30 days.

WATANABE: Okay. So I believe, Ms. Andrews, you are aware of the discussions that, you know, maybe you could get these intervenors or other witnesses to find some compromise? Because we are going to continue this to the February 20th meeting -. We need five votes, in other words, to get any action, and we don't have five votes either way. So the application is not denied, yeah? And we will deliberate on this once again on February 20th.

ANDREWS: I'm just a little confused. I understand that very clearly about the possibility of discussing this further with the intervenors.

WATANABE: Right.

ANDREWS: The one thing I'm a little bit, I don't understand is that it appears that to some members it doesn't matter what happens there; they are against, they want an alternate site. And I don't know -.

WATANABE: I understand that. But I guess what has been suggested is you attempt to see if there is any room to compromise. We only have nine total Commissioners, and we've got seven here. Now we are split four-three, you know.

ANDREWS: Okay.

WATANABE: Hopefully, on the 20th we'll have better attendance, but we'll see. If the same parties come and no one decides to change their minds, then we've got one more meeting after that at which we can decide; otherwise, it's dead. Okay?

ANDREWS: Okay, we will definitely approach the intervenors, and try to discuss this.

WATANABE: Mr. Hayashi.

HAYASHI: Just a matter of correction, we have eight Commissioners appointed.

WATANABE: Oh, that's right, cause we have one -. So we have only one more potential to come here. That's right.

HAYASHI: Provided that Mr. Alameda is serving for additional three months until March.

WATANABE: Right, right. Okay? So I think we are all clear on that. And we'll attempt to address this once again come February 20th. All right?

ANDREWS: Thank you.

WATANABE: Okay. Since we -. Yes, Mr. Iwashita.

IWASHITA: Just for clarification. The meeting on the 20th of February is at the Marriott, Waikoloa Marriot? Or some other site?

WATANABE: Marriott, yeah?

HAYASHI: Yes, it's at the Marriott.

IWASHITA: Okay, thank you.

The discussion ended at 1:08 p.m.

Respectfully submitted,

Noriko Sauer, West Hawaii Secretary