

PLANNING COMMISSION  
COUNTY OF HAWAI'I

HEARING TRANSCRIPT  
OCTOBER 1, 2004

A regularly advertised hearing on the application of **RT'S SERVICE, LLC (SPP 04-013)** was called to order at 1:28 p.m. in the Ohana Keauhou Beach Resort, Kahaluu Ballroom, 78-6740 Alii Drive, North Kona, Hawai'i, with Second Vice-Chairman Hannah Springer presiding.

PRESENT: Hannah Springer  
Kimo Alameda  
William Graham  
Rene' Siracusa  
Francis Smith

ABSENT & EXCUSED: Fred Galdones C.  
Earl Fujikawa  
Jeffrey McCall  
Bill P. Thibadeau

Ivan Torigoe, Deputy Corporation Counsel  
Christopher Yuen, Planning Director  
Phyllis Fujimoto, Staff Planner  
Jeff Darrow, Staff Planner  
Kiran Emler representing Department of Public Works

And approximately 6 people from the public in attendance

**APPLICANT: RT'S SERVICE, LLC (SPP 04-013)**

Special Permit to allow office and storage uses for investigative/collection services, towing service, and short term parking for repossessed or disabled vehicles on approximately 14,273 square feet of land within the State Land Use Agricultural District. The property is located along the west side of Kauakea Road, approximately 400 feet north of the Kauakea Road – Mamalahoa Highway (Highway 19) intersection, and abutting the Nani Waimea Subdivision, Puukapu Homesteads, South Kohala, Hawaii, TMK: 6-4-17: portion of 64.

**SPRINGER:** At this point, we'll take up the Applicant RT's Service's Special Permit to allow office and storage uses for investigative/collection services, towing service, and short-term parking for repossessed or disabled vehicles on approximately 14,273 square feet of land within the State Land Use Agricultural District. The property is located along the west side of Kauakea Road, approximately 400 feet north of the Kauakea Road-Mamalahoa Highway (Highway 19) intersection, and abutting the Nani Waimea Subdivision, Puukapu Homesteads, South Kohala, Hawaii, TMK: 6-4-17:portion of 64. Mr. Darrow?

**DARROW:** Thank you, Madam Chair. If I may direct your attention to the location map, the area of this application is located in the South Kohala District. This line running in a east-westerly direction is Mamalahoa Highway. This will be towards

Hilo, this way would be towards Waimea. The red dot signifies the area of the application. The Applicant in this case, RT's Service, LLC is requesting a Special Permit to allow office and storage uses for three businesses: No. 1, an investigative/collection services called RT's Service, LLC; No. 2, a towing business called Tow Guys; and No. 3, a temporary parking area for a business called Big Island Parking.

You might recall that previously this application has come before us under Special Permit No. 1151, which had a life of two years. That term has terminated, and the Applicants are before us again for a request of the Special Permit. One of the main reasons for their request is that there has been a tremendous lack of options within the South Kohala area for industrial-type uses. Kawaihae has an industrial area, but there isn't much available in that area. Waimea is very limited for either Commercial Village zoning or Industrial zoning; and, at this point, the option available to the Applicant is the possibility of a Special Permit with a time limit on it to have them either relocate within the time limit or to come back before the Commission for a request for an extension of time. The application has a five-year time limit for this application.

We have received letters of, a petition of opposition, I believe, from the neighbors of the surrounding subdivision. I believe it was Nani Waimea Subdivision. The Planning Director is recommending approval of this application by the Planning Commission. Are there any questions?

SPRINGER: Commissioners? Any questions or comments of the staff at this time? Seeing none, I'd like to invite the Applicant and the Applicant's representative to come forward. Mr. Mooers, you've already been sworn in and gave us your name and address. But, at this time, I'd like to ask the Applicant and any individuals who would like to testify on this matter, so far I have Vyonne Alip, if you could both, the Applicant and Ms. Alip, raise your right hands. Do you swear or affirm to tell the truth on this matter now before the Hawaii County Planning Commission?

MCCOLLOUGH: I do.

ALIP: I do.

SPRINGER: Thank you, both. Mr. Applicant, will you please give us your name and address for the record.

MCCOLLOUGH: David McCollough, P.O. Box 1276, Kamuela, Hawaii 96743.

SPRINGER: Thank you. Mr. McCollough and Mr. Mooers, you have received the Director's Background Report and the Recommendations to us. Do you have any comments at this time?

MOOERS: Yeah, I think, those who have been on the Commission for a while will recognize this application. The concern that we have is that we've been unable to find industrially-zoned land in Waimea. This is a business, I think, that has been going

for 19 years. They've been serving our community, employs 11 people. They have had permits in the past, they've operated in different locations. Mr. McCullough lives on this site, so I think that's important; and so he's very concerned about, obviously, the appearance and how things are conducted so that it does not have a negative impact on his quality of life. When the time becomes that there is industrially-zoned land in Waimea, Mr. McCollough looks forward to being able to relocate his business to that site. Since the last application, Mr. McCollough has attempted to find some Village Commercial property in town where the Director has in other situations allowed tow businesses to occur. Mr. McCollough had a couple of properties in escrow and was unable to close on any of them. So, I mean, he continues to search for alternatives. So it's not as if in the last two years all he has done is sit and operate and then say, "Okay, now I want to extend the permit." I mean, we have been actively searching for a resolution of this. And I think, you know, the Commission needs to understand that Mr. McCollough's long-term goal is not to have this operation continue to be in his backyard but to rather be in an industrial area.

SPRINGER: Thank you, Mr. Mooers. Commissioners, do you have any questions or comments for the Applicant or his representative? Commissioner Graham?

GRAHAM: I'd just like to point out that we didn't get this material until today. If I had gotten it, you know, a week ago or something, then I would have sort of tried to understand, tried to research a little bit on my own, being I'm from that area, what the other available alternatives are, which I feel like, you know, I'm sure you're making efforts to find alternatives. But I don't really have any background at this point from lack of time of preparation to say whether I feel like there really might also be alternatives. And I also, of course, feel it's a real concern that we have this petition from the Nani Waimea folks who are living adjacent. I don't have the copy of the rules of the Special Permit with me at the moment but I do believe one of the rules is that it's not going to substantially, adversely affect the neighbors. And if they are so representing that, it becomes a problem for me based on nothing more than that to move forward with this.

MOOERS: Yeah, to be honest, I was very surprised. I didn't see that petition, I think, until yesterday. Yeah, we do two mailings to the neighbors and did not receive a call from anyone. And at the last Special Permit, we actually had a petition that was signed by many of the same people in support of the Special Permit. So, yeah, I'm surprised as well. Obviously, the closest residence to this operation is Mr. McCollough. The others are over a hundred yards away. I think 300 and some odd feet is indicated in the application. I think that if you've photographs you can see that the entire site has been landscaped so that the operation is not visible from adjoining owners.

The concerns raised, and I don't have a copy of the petition with me, but one was the concern about Ag use being diminished and having an impact on, you know, the future. I think it's important to know, first of all, we're talking about 14,000 square feet, so it's a small area. This area was completely disturbed previously by Miranda Trucking where they had a diesel spill, and that property was covered with gravel, so that there really isn't Ag potential for this 14,000 square feet. And, I think that, you know, given the short-

term nature of this, it's not going to change the agricultural character of the neighborhood. I will point out that the land next door, even though they are 8,000 square-foot lots, I think, is zoned Ag-5, and there really isn't agricultural activity taking place on those 8,000 square-foot lots. So I don't believe the application diminishes the agricultural potential of the community; and I think that the Background Report and Recommendation by the Department addresses that.

There was a comment made about operations in the evening; and I'd like to ask the Applicant if he could address that since he lives there. I think he knows what that situation is. So, David, could you talk about the operations?

MCCOLLOUGH: Yes. At 4 o'clock in the evening, my employees leave with their trucks, they take them home. The calls are handled by cell phone 'cause it's forwarded to one main person. He dispatches people out there out on the highway all night long, early mornings. In the event that we do go to an accident call and the vehicle is brought back to our storage facility late at night, they just drive the truck in, park it, jump into another vehicle and leave. The next morning they'll unload it, secure it, and take care of business. I have strict rules that there is no noise at night. I don't want to upset anybody around me. So when I heard about this petition about noise, I was caught off-guard 'cause we don't make noise; and I would have addressed that situation with my neighbors if they would have brought it to my attention, which they have not. So that's what happens.

MOOERS: Could you talk about a couple of -?

MCCOLLOUGH: I found out that one of my neighbors, which is, I believe, his wife is here. I spoke to him when I found out about the petition; and he informed me that the concern was that they didn't want it turning into an industrial park like Sand Island on Oahu; and I told him that wasn't my intention. My intention was to stay in business long enough until the Kamuela Industrial Park opened and I could move. At that point, he was a little bit at ease, knowing that that wasn't going to be a permanent issue on my property, and that I just needed to be there until there was a suitable area to go to. And it was nice of him to speak to me about it; and I was glad I was able to answer his questions. And he did inform me that somebody would be here to make sure that that's what was going to happen.

SPRINGER: Commissioner Siracua?

SIRACUSA: You mentioned the Kamuela Industrial Park. Has construction begun on that? Is there a timeline? You're asking for five years. I'm wondering if that's going to be ready in less than five years, possibly, you know, then we could consider a permit for a shorter period of time.

MOOERS: The Parker Ranch has industrial zoning up by the airport by Gary's Automotive. We've had conversations with the Ranch for quite sometime and in order for them to subdivide the property, they'd have to make significant infrastructure

improvements with water, and sewer, and a channelized intersection out in that area. They do not believe that there's adequate need for an industrial area to justify their expenditures. So while the property is zoned there are no current plans, active plans, at least that I'm aware of in my discussions with the ranch, to start subdividing that property. It's a dilemma of, you know, we do have industrial needs but, unfortunately, there are many tow operators, including in Waimea, who operate who have no permits and not operating in industrial-zoned areas. So they have no incentive to try to move into an industrial area. I think the ranch doesn't believe that the, with David and a handful of other people that they could justify the expenses they would have go to extend their waterline and sewer line into that area. So I guess to answer your question, there are no plans that I'm aware of to actively develop that park. They do have the zoning. It was part of their 2020 Plan, but there is no active zoning. So -.

SIRACUSA: Okay. I have a few other questions, if I may?

SPRINGER: Commissioner Siracusa?

SIRACUSA: I understand the rest of the parcel is an agricultural use and I'd like to know exactly what kind of agricultural use it's in. I mean, is it pasture, are there some crops or, you know?

MCCOLLOUGH: Currently, it's pasture land. I do have three paddocks that are fenced off that I'm raising goats in that do get sold at holidays, and didn't want to go with the cows.

SIRACUSA: All right. I just wanted to point out that where the spirit is, that doesn't make that area necessarily impossible to use for agricultural purposes because, for example, storage sheds and things like that could go on top of it. And you could be storing feed or whatever in there, so that's not a scenic one on, you know?

But people seem to be concerned about the hours of operation. I'm wondering if you would be voluntarily willing to, they're talking about early mornings, if you would be willing to start, say, an hour later, 6:30 in the morning, to accommodate your neighbors?

MCCOLLOUGH: Actually, the office itself opens up at 6:30. The tow operation that they're referring to, the noise, doesn't open till 8 o'clock.

SIRACUSA: So what happens at 6:30? So it's just the office, you mean?

MCCOLLOUGH: At 6:30 I go into the office and I handle all the mainland customers who are way ahead of time of us. I have to get in that early to be able to speak with them since we're so far behind on time.

SIRACUSA: All right. So the noise actually starts, what time would you estimate that as far as, you know, from your neighbor's perspective?

MCCOLLOUGH: Eight o'clock in the morning is when the drivers will come in to work, get their assignments and leave. At 4 o'clock they're done.

SIRACUSA: Okay.

SPRINGER: Commissioners, any further questions or comments? We're nearing to the time when we're going to lose our quorum however, so I wonder what is our pleasure?

GRAHAM: We need to hear from the other person here. I would feel a lot more confident if we had some of the folks here that signed the petition 'cause there may be something we can deal with conditions. I don't have a land use problem since it has already been used for that and I know in the past, like in Puna, we approved special permits for land uses in the agricultural district where there's not a real alternative and where it's beneficial to the community. But, you know, I want to hear from the testifier. But I'm still uncomfortable on such late notice to try to make a determination based on what the neighbors' comments are, and what's the availability of the land. I certainly recognize, although the Applicant may be working hard to find alternative locations, it's probably a lot easier to keep doing what you're doing than to go through all the trouble and expense in moving. So, I mean, certainly, that's true with me and my life and things I do. So, anyway, I wait to hear more from the public.

SPRINGER: I wonder if, members, at this time we could invite the testifier who has taken the time and effort to be with us today; and we'll see how our clock runs down. Is there any objection to that course of action?

ALAMEDA: That sounds great.

SPRINGER: At this time, I'd like to invite Ms. Alip forward, please.

ALIP: Thank you for having me so I can express myself.

SPRINGER: And can you please give us your name and your address for the record?

ALIP: My name is Vyonne Alip. My physical address is 64-5222 Nani Waimea Street. I represent concerned residents of my street.

I do have a little difference of opinion about some noise in the evening about tow trucks but -. My husband had a call from Mr. McCollough and, apparently, he had explained to my husband what their intentions were, that they were looking for an industrial area. And we were satisfied with that; but we don't want it to take years where we are concerned, yes, about it becoming an industrial, permanent industrial thing. And we just want to know an answer, what is temporary, how long is temporary? You know, we're okay with it, you know, we don't want to be mean neighbors. We just want to know how long is temporary.

SPRINGER: Ms. Alip, what we have before us now is an application for a permit that has a five-year life span. And maybe, Mr. Darrow, could you go over with us again what happens should the Applicant fill out that five years?

DARROW: Well, the intention of putting the time limit, if the application is so that it will either allow the Applicant to relocate within that time, if during that time, in the South Kohala area, there's industrial zoning that becomes available, they can move to that area. If, that is, still as it is today, hard to find, then they can, they have the opportunity to come back before the Commission, at which time, again, you will be notified by mail that there will be another Commission hearing, at which time you would have the opportunity to come forward and speak your concerns about an additional time extension.

SPRINGER: Mr. Darrow, Members of the Planning Commission, do you have any questions or comments for the testifier? Mr. Graham?

GRAHAM: You said a minute ago we're okay with it but we want to know how long is temporary.

ALIP: We want to know how long temporary is.

GRAHAM: So when you say we're okay with it, does that give me the sense that the on-going operations right now are not a real problem for you folks but you just don't want it to continue indefinitely?

ALIP: Exactly.

GRAHAM: And can I, do you feel I would be fair in relying on your comments as representing all these people who signed the petition? Yes?

ALIP: Could I say something?

GRAHAM: Please.

ALIP: Now after the five years if they still haven't found someone and they come back and get another five years, how many times does the Commission give an applicant the okay before you consider it permanent? That's our question.

GRAHAM: Yeah. Very good question, of course. Thank you.

SPRINGER: Mr. Darrow or Mr. Yuen, can you address the testifier's concern?

YUEN: They're fine for five years. There's nothing that prevents them from applying again for another five years. They would have to come through the same process again. So if they changed their mind in five years and they want it to be

permanent, yes, they could apply. You would have a chance to object to that; and then the Commission will make a decision on it.

ALIP: Can we come back again?

YUEN: Yes.

ALIP: Okay.

SPRINGER: Commissioner Siracusa?

SIRACUSA: I don't know if this is the right time to raise the possibility of adding another condition.

SPRINGER: Care to voice it at this -?

SIRACUSA: I would care to voice it, yes.

SPRINGER: Do you any more questions for the testifier?

SIRACUSA: No

SPRINGER: Okay, let's finish with her first. Members, does anybody else have any questions or comments for Ms. Alip? Thank you for coming and contributing to the record.

ALIP: Thank you.

SPRINGER: Commissioner Siracusa?

SIRACUSA: Okay, approval notwithstanding, "The Applicant shall continue to make every good faith effort to find a suitable alternative site."

SPRINGER: Jeff, you've heard the Commissioner's recommended language. Do you have any, is there a spot that, location of where we could add it into the recommendation or conditions therein? And do you have any comments on it?

SIRACUSA: Possibly 8.

DARROW: It might be a good opportunity or a good option to place it -. It has been brought to my attention, it would be appropriate to make this a new Condition No. 7, and to re-number the following conditions subsequently. If, maybe later if I can get the wording from Commissioner Siracusa.

SPRINGER: Commissioner Siracusa, could you read it for us again so the staff -?

SIRACUSA: I could do that, sure, approval notwithstanding, “The Applicant shall continue to make every good faith effort to find a suitable alternative site.”

SPRINGER: A response from Director Yuen, is that language, you see any problems with it or is it acceptable to include?

YUEN: I don’t have a problem with it per se. It’s, just as a practical matter, it’s a little difficult to enforce it.

SIRACUSA: Perhaps it is but I’m asking the Applicant to make good faith effort and I’m asking him if he feels that he can do that, continue to look.

MCCOLLOUGH: Absolutely.

SIRACUSA: He’s on record.

DARROW: Would it be 1?

SPRINGER: Would that be best as a condition or in the narrative discussion?

YUEN: If you can make it a condition then put it in as a condition.

SPRINGER: Mr. Darrow, you have what you need?

DARROW: Thank you, yes.

SPRINGER: Members, it’s getting very close to the time we’re going to lose our quorum. Do we have any further discussion, questions or comments for the Applicant or the staff? Commissioner Graham?

GRAHAM: I’m concerned about the lifetime. Given the testimony from Ms. Alip, I am not so concerned about the immediate consequences for the neighbors. But she certainly indicated she doesn’t want it to be permanent, and I noticed the previous Special Permit that we got was for two years and it said “Non-renewable.” So, presumably, at that time people were also expressing they didn’t want it to be permanent. And in a fast-moving area like Waimea, which has seen a lot of growth and all, and if he already had four years, feels to me like getting five years is excessive. I don’t feel like we want to just keep having it, applicant keep running back all the time. But I would be much more amenable if it was two or three years maybe even, would be okay by me. But I think five years is excessive if we are agreeing with the testifier that we don’t want to make it permanent.

SPRINGER: Mr. Mooers?

MOOERS: Well, obviously, I mean, we’ve been there two years ago, we’re back now, that is a problem. And I don’t think two years is going to change Parker

Ranch and that there'll be an industrial park in Waimea in that time. Maybe five years is too long but I think two years is too short. You could start construction of a project like that and it's just, it's not going to happen within a two-year period. And, you know, we're going to be coming back in two years and that's, yeah, certainly your prerogative. I mean, we would love to have an industrial-zoned area to go to. I don't believe in two years it's going to be there.

SPRINGER: Commissioner Graham?

GRAHAM: I'm not specifically aware of Parker Ranch's plans, nor do I know that Parker Ranch is the only alternative. But I will go for three years, but I feel five years is excessive.

SPRINGER: So, Mr. Graham, are you recommending then that there would be an amendment to Condition 2?

GRAHAM: I am recommending that the period be set at three years instead of five; and if that's Condition 2, that is certainly what I'm recommending.

SPRINGER: Mr. Mooers, you've heard the discussion at the table and I understand your preference. Do you have objections? With that understanding, do you have objections to Condition 2 being amended to three years?

MOOERS: I understand the concern. I guess what I'd like to see is if there's some way we could do as part of the annual report to the Planning Director, that is to have it for five years, and in the annual report that we'd be required to indicate any industrially-zoned land in the Waimea area that may be available; and that maybe at that point if land is made available, that we have a certain period of time to relocate to that land. I mean, I understand what Commissioner Graham is trying to do, that is he doesn't want this to be an endless permit, and I share that concern. But, at the same time, I don't want to see the endless process of reapplying for the permit as well. So I don't know if the time limit is, or if it, maybe we ought to be looking at a different trigger, the trigger being when industrial-zoned land is made available. I'd be interested to see what the Director has to say about that.

YUEN: I'm fine with the condition that says that in five years or when industrially-zoned land become available in Waimea, whichever comes first, and that the Applicant shall give an annual report about the availability of industrially-zoned land.

SPRINGER: Should -.

YUEN: And, I'm sorry, we would also have to give the Applicant a reasonable time to relocate, not exceeding a year.

SPRINGER: Mr. Darrow, that would be amending Condition 2, is that correct?

DARROW: Correct. I am not sure if Commissioner -.

SIRACUSA: Oh, if I heard the Director correctly, we're now saying that five years, unless he doesn't find anything, and then automatically will be extended until he can. Is that what you were saying?

YUEN: No, the maximum would be five years under this permit. If he found something in the meantime, he would have to relocate. We would give a year from the availability of the land in order to relocate.

SPRINGER: So Condition 2 might be amended to read something to the effect that "The life of the permit shall not exceed a period of five years from the effective date of this permit," and then some language indicating that should industrially-zoned property become available before that, the Applicant would try to secure it.

YUEN: "The Applicant would have one year from the availability of industrially-zoned land to relocate."

SPRINGER: Thank you. Commissioners, additional discussion? Commissioner Graham?

GRAHAM: I'm concerned again about the practicality of such a thing. I mean, maybe the Planning Director knows Waimea better than I do, but I don't feel I could say, right now, there's no industrially-zoned land that's available. But I betcha if I went and chased around Waimea and found out what's zoned industrial and what's not, and who's doing what and who's doing not, I could come back with some things. And I could probably talk to the Applicant about them and the Applicant would say, "Well, this is really not suitable for me because of this, that, and the other thing" and it gets into a mess. And, so, I would prefer that we keep it clean at three years, unless the Director, you see, sees the situation differently than what I'm depicting.

YUEN: No, there really, we do know. We do know, we've been through this, there really isn't any vacant industrially-zoned land in Waimea that you can move an operation on to. There are zoned but not subdivided land out by Gary's Automotive. Other than that, there's no vacant industrially-zoned, there's no vacant industrially-zoned land. The Gary's Automotive area doesn't count as available because it's not subdivided. And if we had an industrial subdivision in Waimea, we would know about it.

MOOERS: There really isn't any other industrially-zoned land, not just vacant. The only industrially-zoned land in Waimea is that parcel out by Gary's Automotive.

GRAHAM: Well, pardon me for having put so much energy into this, and it's largely due to me not getting into it till today. But if the Planning Director feels that is the situation in what he's saying, I can go along with that recommendation.

SPRINGER: Commissioners, any further discussion or comments on this matter? I would just voice that at the previous hearing of an application by RT's Towing Service, I voted against it for my concerns with regard to this sort of activity in the agriculturally-zoned land and due to the issues brought forward by the residents of the area. But in my quick perusal of this, I see what seems to be a good faith effort on the part of the Applicant to seek another location. And having gone through the Contested Case Hearing previously, I understand the amount of effort and some of the constraints on the Applicant to find the appropriately-zoned and subdivided property. So I'll be voting in favor of it, with reservations, at this hearing. Are there any additional questions or comments?

May I have a motion then on this matter before us now, which is the Applicant RT's Service coming forward for a Special Permit to allow office and storage uses for investigative/collection services, towing service, and short-term parking for repossessed or disabled vehicles on approximately 14,273 square feet of land within the State Land Use Agricultural District. We'll be making our decision based upon the Planning Director's Background Report and Recommendation to us and our discussion at this time, which includes -. Jeff, if you could go over for us, please, the amendments to the various conditions?

DARROW: Yes, Madam Chair, thank you.

Condition 2, we will be adding a sentence that will state, "Should industrial-zoned lands become available, the Applicant shall have one year to relocate to the industrial zone."

Condition 7, which has been added by Commissioner Siracusa which, in essence, will be asking that the Applicant continue to make a good faith effort, to make every effort to relocate to a properly-permitted zoned district."

Condition 7 will be a new condition. All conditions after 7 will be renumbered subsequently.

SPRINGER: Thank you, Mr. Darrow. Members, are there any questions or comments? May I have a motion?

ALAMEDA: Madam Chair?

SPRINGER: Commissioner Alameda.

ALAMEDA: I'd like to move that Special Permit application (SP 04-013), that a favorable recommendation be forwarded to the County Council, and that the recommendation by the Planning Director which states that the request to allow office and storage uses for investigative/collection services, towing service, and short-term parking for repossessed or disabled vehicles on approximately 14,273 square feet of land be approved by the Planning Commission with the condition to not exceed a period of five years from the date of issuance of the Special Permit. And this is, along the same

lines, we're going to modify Condition 2, to add the sentence that "Within the five-year period, should an industrially-zoned parcel be available, that the Applicant will have one year to move to that particular vicinity." And, also, we'll add Condition 7, Commissioner Siracusa mentioned that the Applicant make a good faith effort to relocate should a property be available at that time.

SPRINGER: Thank you. Just for clarification, the motion is to approve.

ALAMEDA: Correct.

SPRINGER: Thank you, Commissioner Alameda. Is there a second?

SMITH: Second.

SPRINGER: Moved by Commissioner Alameda and seconded by Commissioner Smith for approval of Special Permit Application SPP 04-013. Mr. Darrow, ready for the roll call.

DARROW: Thank you, Madam Chair. Commissioner Alameda?

ALAMEDA: Aye.

DARROW: Commissioner Smith?

SMITH: Aye.

DARROW: Commissioner Graham?

GRAHAM: Aye.

DARROW: Commissioner Siracusa?

SIRACUSA: Aye.

DARROW: And Madam Chair?

SPRINGER: Yes, with reservations.

DARROW: The motion passes, five to zero.

SPRINGER: Thank you. You'll be informed in writing.

MOOERS: Thank you for your patience today.

SPRINGER: Thank you.

The discussion ended at 2:05 p.m.

Respectfully submitted,

Sharon M. Nomura, Secretary