



Control Number: 51973



Item Number: 15

Addendum StartPage: 0

DOCKET NO. 51973

2021 JUL 12 PM 2:29

**PUBLIC UTILITY COMMISSION
OF TEXAS**

**PETITION OF RODNEY EARL §
MOHNKE, STEPHEN LEE MOHNKE, §
MELVIN MAX MOHNKE, KENNETH §
WAYNE MOHNKE, KATHLEEN ANN §
MOHNKE-BLAKELY, AND MELL §
MOHNKE, TRUSTEES OF THE §
MOHNKE LIVING TRUST, TO AMEND §
H-M-W SPECIAL UTILITY §
DISTRICT'S CERTIFICATE OF §
CONVENIENCE AND NECESSITY IN §
HARRIS COUNTY BY EXPEDITED §
RELEASE §**

**COMMISSION STAFF'S SUPPLEMENTAL RECOMMENDATION ON
ADMINISTRATIVE COMPLETENESS AND PROPOSED NOTICE**

On April 1, 2021, Rodney Earl Mohnke, Stephen Lee Mohnke, Melvin Max Mohnke, Kenneth Wayne Mohnke, Kathleen Ann Mohnke-Blakely, and Mel Mohnke, Trustees of the Mohnke Living Trust dated December 7, 1996 (collectively, the Petitioners, previously referred to as the Trustees), filed a petition to amend the H-M-W Special Utility District's (HMW SUD's) water certificate of convenience and necessity (CCN) in Harris County by streamlined expedited release. The Trust seeks the expedited release of 99.2669 acres of land that lie within HMW SUD's CCN number 10342. HMW SUD filed a Motion to Intervene on June 4, 2021. The Petitioners filed supplemental information on May 27, 2021.

On May 4, 2021, the administrative law judge (ALJ) filed Order No. 2, directing Staff (Staff) of the Public Utility Commission of Texas to file a supplemental recommendation on sufficiency of the petition and notice and to propose a procedural schedule by June 27, 2021. Therefore, this pleading is timely filed.

I. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the supplemental materials filed by the Trust on May 27, 2021, and June 10, 2021, and respectfully recommends that it be found administratively complete under 16 Texas Administrative Code § 24.245 (h)(3)(E). As stated in Order No. 2 filed by the honorable ALJ on May 4, 2021, the Petitioners provided a May 26, 1967 deed which indicates the conveyance of the surface estate for the surface property at issue was granted in its entirety to Max E. Monke. Staff respectfully observes that the note provided by the Petitioners on the deed clarifies that the deed

was conveyed to Max E. Mohnke, Jr, as opposed to a separate individual who passed in the year 1950 (Max E. Mohnke, Sr). This clarification alleviates for Staff the concerns raised by the ALJ regarding the passage of Mr. Mohnke, Sr. seventeen years prior to the date on this specific deed.

In addition, Staff has reviewed the real property records on the Harris County Appraisal District. According to the records, the designated area at issue in this application is divided into three sub-parcels. However, all three sub-parcels appear to have the same surface area owners as of July 12, 2021. Specifically, all three parcels (Nos. 0402200000012¹, 0402200000160², and 0402200000136³) are attributed to the address of 22414 Decker Prairie Rosehill Road, with one parcel being addressed as 22414 Decker Prairie Rosehill Road #C.⁴ According to the public records of Harris County Appraisal District, the surface area of parcels are each owned by some combination of the persons Rodney, Stephen, Melvin, Kenneth, Kathleen, and Pauline Mohnke.⁵ While the mineral rights of the property or properties in question are not solely owned by the Petitioners, Staff does not believe sole ownership of a real property's mineral rights affect the administrative completeness as described in 16 Texas Administrative Code (TAC) § 24.245(h)(3)(E), which does not specifically refer to mineral rights and rather appears to merely refer to surface rights given the nature of the petition at issue here, which deals instead with water surface

In addition, the Petitioner Kenneth Wayne Mohnke (Trustee) provided a signed and notarized affidavit signed and sworn on March 29, 2021 stating that Stephen Lee Mohnke, Melvin Max Mohnke, Kathleen Ann Mohnke-Blakely, and Mel Mohnke, trustee of the Mohnke Living Trust (the Trust) dated December 7, 1996, each have authorized Kenneth Wayne Mohnke to file the petition in this matter for expedited release under Texas Water Code (TWC) § 13.2541, and that the Petitioners (or, as Staff reads the affidavit, some combination thereof) own approximately 88 acres of land in Harris County as identified in their application. In Staff's view, this does not necessarily conflict with the information provided by the Harris County Appraisal District's information regarding the surface area ownership history of the property.

¹ See Attachments, Harris County Appraisal District, printouts last accessed 7/12/2021.

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.*

Furthermore, on May 27, 2021, the Petitioners submitted a jointly filed response clarifying that the Trust does not own all of the interest relating to the 99-acre tract that is subject to the petition, and that there is only one trustee of the Mohnke Living Trust, which is Mel Mohnke. According to the Petitioners' joint filing, Mel Mohnke's control of the Trust was transferred to Kenneth Wayne Mohnke, Trustee, as attorney-in-fact for Melvin Mohnke's control of the Trust on March 31, 2021. Evidence of this claim is further clarified by the provision at Exhibit B of Petitioners' joint May 27, 2021 filing at Exhibit A, which provides an affidavit of Trust as described above—as well as at Exhibit B, which provides a Limited Power of Attorney dated March 31, 2021 as described above.

II. NOTICE

Under 16 Texas Administrative Code (TAC) § 24.245(h)(3)(F), the landowner must provide proof that a copy of the petition has been mailed to the current CCN holder via certified mail on the day that the landowner submits the petition with the Commission. The Trust states in its filing that it mailed a copy of its petition to the CCN holder, H-M-W SUD, by certified mail on the day the petition was filed with the Commission. In addition, the Trust provided a copy of the certified mail receipt for its notice to HMW SUD. Therefore, Staff recommends that the notice issued by the Trust be found sufficient.

III. PROCEDURAL SCHEDULE

Under 16 TAC § 24.245(h)(7), there is an expedited deadline of 60 days for approval of the requested release that begins tolling upon the issuance of an order by the ALJ finding a petition administratively complete.⁶ Since Staff recommends that the petition be found administratively complete, Staff proposes the following procedural schedule and requests that the ALJ populate the deadlines accordingly when the ALJ issues that order.

Event	Date
Deadline for HMW SUD and intervenors to file a response to the administratively complete petition	20 days from the date of the order finding the petition administratively complete

⁶ Under 16 TAC § 24.8(d), applications under Subchapter H of Chapter 24 are not considered filed until the commission makes a determination that the application is administratively complete.

Deadline for Staff's recommendation on final disposition	34 days from the date of the order finding the petition administratively complete
Deadline for petitioner to file a reply to both HMW SUD's response and Staff's recommendation on final disposition	41 days from the date of the order finding the petition administratively complete
Sixty-day administrative approval of streamlined expedited release	60 days from the date of the order finding the petition administratively complete
<i>In the event streamlined expedited release is granted and petitioner and HMW SUD can select an agreed-upon appraiser</i>	
Deadline for petitioner and HMW SUD to make a filing stating that they have selected an agreed-upon appraiser	Within 10 days after the Commission approves streamlined expedited release
Deadline for appraiser's report	Within 70 days after the Commission approves streamlined expedited release
Deadline for Commission's final order determining the amount of monetary compensation, if any, owed by petitioner to HMW SUD	Within 60 days after appraiser's report
Deadline for petitioner to pay any compensation due to HMW SUD	Within 90 days of the Commission's final order on compensation
<i>In the event streamlined expedited release is granted and petitioner and C C Water are unable to select an agreed-upon appraiser</i>	
Deadline for petitioner and HMW SUD to make a filing stating that they have been unable to select an agreed-upon appraiser and affirming that they will pay half of the cost of Commission Staff's appraiser ⁷	Within 10 days after the Commission approves streamlined expedited release ⁸
Deadline for reports from petitioner's appraiser and HMW SUD's appraiser	Within 70 days after the Commission approves streamlined expedited release
Deadline for Staff's appraiser's report	Within 100 days after the Commission approves streamlined expedited release
Deadline for Commission's final order determining the amount of monetary compensation, if any, owed by petitioner to HMW SUD	Within 60 days after the Commission receives the final appraisal
Deadline for petitioner to pay any compensation due to HMW SUD	Within 90 days of the Commission's final order on compensation

⁷ Tex. Water Code § 13.2541(i).

⁸ It is critical for Staff to know as soon as possible after the Commission grants the petition whether Staff needs to secure the services of a third appraiser. If the petitioner and CCN holder are unable to agree, and fail to make this filing, Staff may need additional time to file its appraiser's report.

IV. CONCLUSION

For the reasons detailed above, Staff recommends that the supplemented petition be found administratively complete, that the notice be found sufficient, and that the proposed procedural schedule be adopted. Staff respectfully requests the entry of an order consistent with these recommendations.

Dated: July 12, 2021

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Rachelle Nicolette Robles
Division Director

Eleanor D'Ambrosio
Managing Attorney

/s/ Kevin R. Bartz
Kevin R. Bartz
State Bar No. 24101488
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7203
(512) 936-7268 (facsimile)
kevin.bartz@puc.texas.gov

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CERTIFICATE OF SERVICE

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on July 12, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Kevin R. Bartz
Kevin R. Bartz

ATTACHMENT A

Tax Year: 2021

HARRIS COUNTY APPRAISAL DISTRICT
 REAL PROPERTY ACCOUNT INFORMATION
040220000136

Print E-mail

File A Protest	Similar Owner Name	Nearby Addresses	Same Street Name	Related Map 4571D
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Ownership History

Owner and Property Information

Owner Name & Mailing Address: **MOHNKE RODNEY & STEPHEN KATHLEEN**
% PAULINE MOHNKE
215 OAK WOOD RD
KERRVILLE TX 78028-9174

Legal Description: **PT TRS 9 & 10**
ABST 20 J H EDWARDS

Property Address: **22414 DECKER PRAIRIE ROSEHILL RD**
TOMBALL TX 77377

State Class Code

A1 -- Real, Residential, Single-Family

Land Use Code

2001 -- Residential Improved

Land Area	Total Living Area	Neighborhood	Neighborhood Group	Market Area	Map Facet	Key Map®
30,492 SF	1,974 SF	2575	26001	400 -- ISD 26 - Tomball ISD	4571D	287J

Value Status Information

Value Status	Notice Date	Shared CAD
Noticed	03/31/2021	No

Exemptions and Jurisdictions

Exemption Type	Districts	Jurisdictions	Exemption Value	ARB Status	2020 Rate	2021 Rate	Online Tax Bill
None	026	TOMBALL ISD		Not Certified	1.290000		
	040	HARRIS COUNTY		Not Certified	0.391160		
	041	HARRIS CO FLOOD CNTRL		Not Certified	0.031420		
	042	PORT OF HOUSTON AUTHY		Not Certified	0.009910		
	043	HARRIS CO HOSP DIST		Not Certified	0.166710		
	044	HARRIS CO EDUC DEPT		Not Certified	0.004993		
	045	LONE STAR COLLEGE SYS		Not Certified	0.107800		
	648	HC EMERG SRV DIST 21		Not Certified	0.100000		
673	HC EMERG SRV DIST 3		Not Certified	0.100000			

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Valuations

	Value as of January 1, 2020		Value as of January 1, 2021	
	Market	Appraised	Market	Appraised
Land	38,115		38,115	
Improvement	160,668		171,182	
Total	198,783	198,783	209,297	209,297

5-Year Value History

Land

Market Value Land

LINE	Land Use	Unit Type	Units	Size Factor	Site Factor	Appr O/R Factor	Appr O/R Reason	Total Adj	Unit Price	Adj Unit Price	Value
1	2001 -- Res Improved Override SF1 -- Primary SF	SF	30,492	1.00	1.00	1.00	--	1.00	1.25	1.25	38,115.00

Building

Building	Year Built	Type	Style	Quality	Impr Sq Ft	Building Details
1	1940	Farm Single Family Dwelling	125 -- Farm with Dwelling	Average	1,374 *	Displayed
2	1984	Farm Single Family Dwelling	125 -- Farm with Dwelling	Average	600 *	View

* All HCAD residential building measurements are done from the exterior, with individual measurements rounded to the closest foot. This measurement includes all closet space, hallways, and interior staircases. Attached garages are not included in the square footage of living area, but valued separately. Living area above *attached* garages is included in the square footage living area of the dwelling. Living area above *detached* garages is not included in the square footage living area of the dwelling but is valued separately. This method is used on all residential properties in Harris County to ensure the uniformity of square footage of living area measurements district-wide. There can be a reasonable variance between the HCAD square footage and your square footage measurement, especially if your square footage measurement was an interior measurement or an exterior measurement to the inch.

Building Details (1)

Building Data		Building Areas	
Element	Details	Description	Area
Cond / Desir / Util	Average	BASE AREA PRI	1,374
Foundation Type	Crawl Space	OPEN FRAME PORCH PRI	320
Grade Adjustment	C-		
Heating / AC	Central Heat/AC		
Physical Condition	Average		
Exterior Wall	Asbestos		
Element	Units		
Room: Total	6		
Room: Full Bath	2		
Room: Bedroom	3		

Extra Features

Line	Description	Quality	Condition	Units	Year Built
1	4 Sides open Metal Pole Barn	Fair	Fair	510	1960
2	4 Sides open Wood Pole Barn	Fair	Average	1,656	1960
3	Gunite Pool	Average	Average	800	1965
4	Frame Utility Shed	Fair	Average	192	1960
5	Frame Utility Shed	Fair	Average	252	1960
6	Asphalt Tennis Court - Residential	Average	Average	1	1965



Ownership History: 0402200000136
22414 DECKER PRAIRIE ROSEHILL RD
TOMBALL TX 77377

Owner
MOHNKE RODNEY & STEPHEN KATHLEEN
MOHNKE MAX E


Effective Date
12/15/1997
1/2/1988

[end of record]



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Real Property Records

Tax Year 2021 

HARRIS COUNTY APPRAISAL DISTRICT
 REAL PROPERTY ACCOUNT INFORMATION
 040220000012

 Print  E-mail

[File A Protest](#) | [Similar Owner Name](#) | [Nearby Addresses](#) | [Same Street Name](#) | [Related Map 4571D](#)

Ownership History

Owner and Property Information

<p>Owner Name & Mailing Address</p> <p>MOHNKE RODNEY & STEPHEN MELVIN KENNETH KATHLEEN % PAULINE MOHNKE 215 OAK WOOD RD KERRVILLE TX 78028-9174</p>	<p>Legal Description</p> <p>TR 10 (HOMESITE) ABST 20 J H EDWARDS</p> <p>Property Address</p> <p>22414 DECKER PRAIRIE ROSEHILL RD # C TOMBALL TX 77377</p>
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Special Use

C3 -- Real, Vacant Lots/Tracts (Not in City)

Land Use Code

2000 -- Residential Vacant

Land Area	Total Living Area	Acres	Neighborhood Group	Market Area	Map Facet	County
43,560 SF	0 SF	2575	26001	400 -- ISD 26 - Tomball ISD	1511	2871

Value Status Information

Value Status	Notice Date	Shared CAD
Noticed	04/01/2021	No

Exemptions and Jurisdictions

Exemption Type	Districts	Description	Exemption Value	ARM STATUS	2020 Rate	2021 Rate	APPLICABLE TO BLD
None	026	DISCOUNT		Not Certified	1 290000		
	040	DISCOUNT		Not Certified	0 391160		
	041	DISCOUNT		Not Certified	0 031420		
	042	DISCOUNT		Not Certified	0 009910		
	043	DISCOUNT		Not Certified	0 166710		
	044	DISCOUNT		Not Certified	0 004993		
	045	LONE STAR COLLEGE SYS		Not Certified	0 107800		
	648	HC EMERG SRV DIST 21		Not Certified	0 100000		
	673	HC EMERG SRV DIST 3		Not Certified	0 100000		

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Valuations

	Value as of January 1, 2020		Value as of January 1, 2021	
	Market	Appraised	Market	Appraised
Land	43,560		43,560	
Improvement	0		0	
Total	43,560	43,560	43,560	43,560

5-Year Value History



Harris County Appraisal District
 13013 Northwest Freeway
 Houston, Texas 77040-6305

Office Hours
 Hours 8:00 AM - 5:00 PM
 Monday - Friday



Ownership History: 0402200000012
22414 DECKER PRAIRIE ROSEHILL RD C
TOMBALL TX 77377

Owner	Effective Date
MELVIN KENNETH KATHLEEN	2/6/1997
MOHNKE RODNEY & STEPHEN	2/6/1997
MOHNKE MAX E	1/2/1988

[end of record]

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Tax Year: 2021 ▼

HARRIS COUNTY APPRAISAL DISTRICT
 REAL PROPERTY ACCOUNT INFORMATION
0402200000160

Print E-mail

[File A Protest](#) | [Similar Owner Name](#) | [Nearby Addresses](#) | [Same Street Name](#) | [Related Map 4571D](#)

Ownership History

Owner and Property Information

Owner Name & Mailing Address: **MOHNKE RODNEY
 KENNETH KATHLEEN PAULINE
 215 OAK WOOD RD
 KERRVILLE TX 78028-9174**

Legal Description: **PT TRS 9 & 10 (AG-USE)
 ABST 20 J H EDWARDS**
 Property Address: **22414 DECKER PRAIRIE ROSEHILL RD
 TOMBALL TX 77377**

State Class Code	Land Use Code	Building Class	Total Units			
D1 -- Real, Qualified Agricultural Land	9910 -- Agricultural Land		0			
Land Area	Building Area	Net Rentable Area	Neighborhood	Market Area	Map Facet	Key Map®
4,268,880 SF	0	0	2575	400 -- ISD 26 - Tomball ISD	4571D	287J

Value Status Information

Value Status	Notice Date	Shared CAD
Noticed	06/04/2021	No

Exemptions and Jurisdictions

Exemption Type	Districts	Jurisdictions	Exemption Value	ARB Status	2020 Rate	2021 Rate	Online Tax Bill
None	026	TOMBALL ISD		Not Certified	1.290000		
	040	HARRIS COUNTY		Not Certified	0.391160		
	041	HARRIS CO FLOOD CNTRL		Not Certified	0.031420		
	042	PORT OF HOUSTON AUTHY		Not Certified	0.009910		
	043	HARRIS CO HOSP DIST		Not Certified	0.166710		
	044	HARRIS CO EDUC DEPT		Not Certified	0.004993		
	045	LONE STAR COLLEGE SYS		Not Certified	0.107800		
	648	HC EMERG SRV DIST 21		Not Certified	0.100000		
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Valuations

	Value as of January 1, 2020		Value as of January 1, 2021	
	Market	Appraised	Market	Appraised
Land	4,699,035		4,699,035	
Improvement	0		0	
Ag/Tmbr/Spc	13,000		13,080	
Total	4,699,035	13,000	4,699,035	13,080

5-Year Value History

Land

Market Value / Agricultural Land

Line	Land Use	Unit Type	Units	Size Factor	Site Factor	Appr O/R Factor	Appr O/R Reason	Total Adj	Unit Price	Adj Unit Price	Value
1	9910 -- Mkt Value of Ag Land AC6 -- Primary AC	AC	20.0000	1.00	1.00	1.00	--	1.00	54,450.00	54,450.00	1,089,000.00

7/12/2021

Hcad Acct: 0402200000160

2	9910 -- Mkt Value of Ag Land AC7 -- Primary AC	AC	78.0000	1.00	1.00	0.85	Shape or Size	0.85	54,450.00	46,282.50	3,610,035.00
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Agricultural Value

Line	Land Use	Unit Type	Units	Size Factor	Site Factor	Appr O/R Factor	Appr O/R Reason	Total Adj	Unit Price	Adj Unit Price	Value
1	9011 -- Harris Native Pasture	AC	8.0000	1.00	1.00	1.00	--	1.00	60.00	60.00	480.00
2	9015 -- Harris Improved Pasture	AC	90.0000	1.00	1.00	1.00	--	1.00	140.00	140.00	12,600.00

Building

Vacant (No Building Data)



Ownership History: 0402200000160
22414 DECKER PRAIRIE ROSEHILL RD
TOMBALL TX 77377

Owner	Effective Date
KENNETH KATHLEEN PAULINE	2/6/1997
MOHNKE RODNEY	2/6/1997
MOHNKE MAX E ESTATE	10/7/1988

[end of record]

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