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Received - 2021-07-15 09:25:04 AM
Control Number - 51973
ItemNumber - 17

DOCKET NO. 51973

PETITION OF RODNEY EARL	§	PUBLIC UTILITY COMMISSION
MOHNKE, STEPHEN LEE MOHNKE,	§	
MELVIN MAX MOHNKE, KENNETH	§	OF TEXAS
WAYNE MOHNKE, KATHLEEN ANN	§	
MOHNKE-BLAKELY, AND MEL	§	
MOHNKE, TRUSTEE OF THE	§	
MOHNKE LIVING TRUST DATED	§	
DECEMBER 7, 1996, TO AMEND H-M-	§	
W SPECIAL UTILITY DISTRICT'S	§	
CERTIFICATE OF CONVENIENCE	§	
AND NECESSITY IN HARRIS COUNTY	§	
BY EXPEDITED RELEASE	§	

**ORDER NO. 5
FINDING PETITION, AS SUPPLEMENTED,
ADMINISTRATIVELY COMPLETE AND NOTICE SUFFICIENT,
ESTABLISHING PROCEDURAL SCHEDULE, AND RESTYLING**

This Order addresses Commission Staff's July 13, 2021 corrected recommendation on administrative completeness and notice for Rodney Earl Mohnke, Stephen Lee Mohnke, Melvin Max Mohnke, Kenneth Wayne Mohnke, Kathleen Ann Mohnke-Blakely, and Mel Mohnke, Trustee of the Mohnke Living Trust Dated December 7, 1996's petition to amend H-M-W Special Utility District's water certificate of convenience and necessity number 10342 in Harris County by streamlined expedited release. The petitioners filed supplemental information on April 6, 2021, April 13, 2021, and May 27, 2021.

I. Finding Application Administratively Complete

Commission Staff recommends that the petition, as supplemented, be found administratively complete. The administrative law judge (ALJ) finds the petition administratively complete.

II. Finding Notice Sufficient

The petition includes notice to H-M-W SUD via certified mail return receipt requested. The ALJ finds that notice is sufficient.

III. Establishing Procedural Schedule

Under Texas Water Code (TWC) § 13.2541, the granting of streamlined expedited release initiates an appraisal process to determine the amount of monetary compensation that may be owed by the landowner to the certificate holder for the tract of land that was released. Therefore, an order granting approval for streamlined expedited release is interim in nature and, in the event the requested release is approved, the docket will continue for the purpose of determining the issue of compensation.

The following procedural schedule applies in this case:

Event	Date
Deadline for H-M-W SUD to file a response to the administratively complete petition	August 4, 2021
Deadline for Commission Staff's recommendation on final disposition	August 18, 2021
Deadline for petitioners to file a reply to H-M-W SUD's response and Commission Staff's recommendation on final disposition	August 25, 2021
Sixty-day administrative approval of expedited release	September 13, 2021
<i>In the event expedited release is granted and the petitioners and H-M-W SUD can select an agreed-upon appraiser</i>	
Deadline for petitioners and H-M-W SUD to select an agreed-upon appraiser	Within 10 days after the Commission approves expedited release
Deadline for appraiser's report	Within 70 days after the Commission approves expedited
Deadline for Commission's final order determining the amount of monetary compensation, if any, owed by petitioners to H-M-W SUD	Within 60 days after appraiser's report
Deadline for petitioners to pay any compensation due to H-M-W SUD	Within 90 days of Commission's final order on compensation
<i>In the event expedited release is granted and petitioners and H-M-W SUD are unable to select an agreed-upon appraiser</i>	
Deadline for reports from petitioners' appraiser and from H-M-W SUD's appraiser	Within 70 days after the Commission approves expedited release
Deadline for Commission Staff's appraiser's report	Within 100 days after the Commission approves expedited

Deadline for Commission's final order determining the amount of monetary compensation, if any, owed by petitioners to H-M-W SUD	Within 60 days after Commission receives the final appraisal
Deadline for petitioners to pay any compensation due to H-M-W SUD	Within 90 days of Commission's final order on compensation

IV. Restyling Docket

Commission Staff requested that the style of this proceeding be revised to reflect that Mel Mohnke is the only trustee of the Mohnke Living Trust Dated December 7, 1996 and that Kenneth Wayne Mohnke is filing the petition on behalf of all of the parties who own an interest in the property for which release is requested.

The ALJ believes that a style similar to what petitioners listed in their April 1, 2021 petition is appropriate because it identifies all persons having an interest in the property (i.e., the petitioners) and that Mel Monhke is the only trustee of the Monhke Living Trust Dated December 7, 1996. The ALJ grants Commission's Staff's request to restyle the case to reflect that Mel Monke is the only trustee and restyles this proceeding as reflected in this Order.

Signed at Austin, Texas the 15th day of July 2021.

PUBLIC UTILITY COMMISSION OF TEXAS



**CHRISTINA DENMARK
ADMINISTRATIVE LAW JUDGE**