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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, 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 FINAL RECOMMENDATION

On April 1, 2021, 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 (collectively, Petitioners) filed a petition to amend H-M-W Special Utility District's (HMW SUD's) water certificate of convenience and necessity (CCN) in Harris County by streamlined expedited release. Petitioners seek 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, which was granted. Petitioners filed supplemental information on April 6, 2021, April 13, 2021, and May 27, 2021.

On September 8, 2021, the administrative law judge (ALJ) filed Order No. 7 requiring Staff of the Public Utility Commission of Texas to file its final recommendation by September 9, 2021. Therefore, this pleading is timely filed.

I. STAFF'S FINAL RECOMMENDATION

As detailed in the attached memorandum of Jolie Mathis of the Commission's Infrastructure Division, Staff recommends that the petition be approved and that a final map and certificate be provided to the CCN holder. Staff respectfully requests the issuance of an order

consistent with this recommendation. Finally, Staff recommends that the procedural schedule proposed by Staff in its filing dated July 13, 2021 be used for the further processing of this matter.¹

II. CONCLUSION

Staff respectfully recommends that the Petitioners' request be approved and that the ALJ issue an order consistent with this recommendation.

¹ *Commission Staff's Corrected Supplemental Recommendation on Administrative Completeness* at 4-5 (July 13, 2021).

Dated: September 9, 2021

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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/s/ Kevin R. Bartz
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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 September 9, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Kevin R. Bartz
Kevin R. Bartz

Public Utility Commission of Texas

Memorandum

TO: Kevin Bartz Attorney
Legal Division

FROM: Jolie Mathis, Utility Engineering Specialist
Infrastructure Division

DATE: September 9, 2021

RE: Docket No. 51973 – *Petition of 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, to Amend H-M-W Special Utility District's Certificate of Convenience and Necessity in Harris County by Expedited Release*

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 (collectively, the Petitioners) filed a petition for streamlined expedited release from H-M-W Special Utility District's (HMW SUD) water certificate of convenience and necessity (CCN) No. 10342 in Harris County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). The Petitioners assert that the land is at least 25 contiguous acres, is not receiving water service, and is located in Harris County, which is a qualifying county.

Gary Horton, Infrastructure Division, determined the map and digital data are sufficient for determining the location of the tract of land considered for streamlined expedited release is located within HMW SUD's water CCN. Furthermore, the Petitioners provided a warranty deed confirming ownership of the tract of land within HMW SUD's certificated service area. In addition, the Petitioners submitted a sworn affidavit attesting that the property was not receiving water service from the CCN holder.

Based on the mapping review by Mr. Horton it was determined the total property is approximately 99 acres. The requested area to be released from CCN Holder (CCN No. 10342) is approximately 99 acres.

HMW SUD requested to intervene. On August 4, 2021, HMW SUD responded to Order No. 5 and argued that the petition should be dismissed for various reasons. On August 31, 2021, Staff filed a response to HMW SUD's motion to dismiss. On September 8, 2021 the Administrative Law Judge denied HMW SUD's motion to dismiss.

In accordance with TWC § 13.2541 and 16 TAC § 24.245(h), the Petitioners have met the Commission's requirements to allow for the release of the tract of land from HMW SUD's CCN No. 10342. Therefore, I recommend approval of the petition. Enclosed is a final map and certificate for Commission approval.

Additionally, I recommend that a final map and certificate be provided to the CCN holder.



Public Utility Commission of Texas

By These Presents Be It Known To All That

H-M-W Special Utility District

having obtained certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, H-M-W Special Utility District is entitled to this



Certificate of Convenience and Necessity No. 10342

to provide continuous and adequate water utility service to that service area or those service areas in Harris and Montgomery Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 51973 are on file at the Commission offices in Austin, Texas; and are a matter of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty of H-M-W Special Utility District to provide such utility service in accordance with the laws of this State and Rules of this Commission, subject only to any power and responsibility of this Commission to revoke or amend this Certificate in whole or in part upon a subsequent showing that the public convenience and necessity would be better served thereby.

H-M-W Special Utility District
Portion of Water CCN No. 10342
PUC Docket No. 51973
Petition by Mohnke Trust Trustees to Amend
H-M-W Special Utility District's CCN by Expedited Release in Harris County



Water CCN

-  10342 - HMW SUD
-  11612 - Quadvest LP

-  Area Released
-  Property Boundary

0 250 500
Feet

