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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	§	

PETITIONER'S REPLY TO COMMISSION STAFF'S RESPONSE TO ORDER NO. 10

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 (the "Petitioner") hereby files this Reply to Commission Staff's Response to Order No. 10. In support thereof, Petitioner shows the following.

I. Introduction

Commission's Staff's Response to Order No. 10 contains misrepresentations that are fundamental to its argument opposing Petitioner's Objection to HMW's Appraiser's Report. Because the basis for Commission Staff's position is dependent on information that is objectively wrong, Commission Staff's position is also wrong, and is, in fact, supports Petitioner's motion when the proper facts are applied to Commission Staff's argument.

II. Argument

Commission Staff's first fundamental misstatement is as follows: "Staff respectfully notes that [the statement of the parties' inability to agree on an appraiser] was not filed by the

parties.” Docket ID No. 36, timely filed on November 12, 2022 and properly served on the parties, is precisely the document Commission Staff’s states the Petitioners failed to file.

Commission Staff’s second fundamental misstatement is as follows: “While HMW SUD has filed their appraiser report, Petitioner has not filed a competing appraisers report.” Docket ID No. 40, timely filed on January 11, 2022 and properly served on the parties, is precisely the document Commission Staff states the Petitioners failed to file. Commission Staff relies on that misstatement throughout its motion, e.g., “[h]owever, in this instance, Petitioner has failed to submit a competing appraiser report at all and instead has asked that the Commission deem HMW SUD’s report invalid . . .;” “Commission Staff “respectfully but vigorously disagrees” with Petitioner’s argument because “HMW SUD has submitted their appraisal report, whereas Petitioner has failed to submit an appraisal report whatsoever.”; “it is not in the public interest to “reward the inaction of Petitioner in this instance, while punishing the compliance of HMW SUD . . .”

Commission’s Staff’s entire position is based on a fundamental error in reviewing what has been filed in this docket. Because the circumstances on which Commission Staff rely for their argument are precisely opposite what Commission Staff state them to be, Commission Staff’s argument and position in opposition to Petitioner’s motion has no merit, and in fact supports Petitioner’s motion when it is recognized that the filings do, in fact, properly reside in the docket.

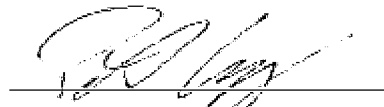
III. Conclusion

The undersigned sought to confer with counsel for Commission Staff in advance this filing to provide an opportunity to correct their motion, but the undersigned has not received a response as of this filing. The Petitioner reiterates its request for a determination, pursuant to 16

Tex. Admin. Code § 13.254(g)(6) that no compensation is owed to HMW because HMW SUD did not properly submit an appraisal report.

Respectfully submitted,

Gregg Law PC

A handwritten signature in black ink, appearing to read "Peter T. Gregg", is written over a horizontal line.

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CERTIFICATE OF SERVICE

By my signature above, I certify that on the 1st day of February, 2022 the foregoing document was serviced via first class mail and/or email to the following:

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