



Filing Receipt

Received - 2022-02-23 12:19:13 PM

Control Number - 51973

ItemNumber - 49

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	§	

**ORDER NO. 12
DENYING REQUEST FOR EXTENSION**

On January 31, 2022, Commission Staff filed a response to Order No. 10, which included a request to revise the procedural schedule to extend deadlines, including Commission Staff's obligation to submit an appraisal report. In Order No. 11 filed on February 1, 2022, the administrative law judge (ALJ) denied Commission Staff's request for a revised procedural schedule and reiterated that the deadlines set in Order No. 5 remained in effect, including their obligation to submit their appraiser's report within 100 days after the Commission approved streamlined expedited release.

Commission Staff's deadline to file their appraisal report was February 10, 2022. To date, Commission Staff has not filed an appraisal report.

On February 18, 2022, 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, requested that Commission Staff clarify whether they intend to file their appraisal report as required under Order Nos. 5 and 11 and 16 TAC § 24.245(i)(B). On February 22, 2022, Commission Staff filed a response to the request for clarification and request for extension stating that they were securing an appraisal report and, despite already being denied an extension, requested another extension of its deadline to file the appraisal report.

The ALJ denies Commission Staff's request for an extension. This is a proceeding for *streamlined expedited* release. It is a process that is supposed to happen expeditiously. The

100-day deadline is statutory and mandatory. The statute, Texas Water Code § 13.2541(i), specifies that the appraisal “shall be submitted . . . within 100 days after the date on which the [Commission] approves the petition.” The statute gives no indication that an extension can be granted. The deadline to submit Commission Staff’s appraisal report was February 10, 2022 and remains February 10, 2022. Any further requests for extensions to file the appraisal report will be denied.

Signed at Austin, Texas the 23rd day of February 2022.

PUBLIC UTILITY COMMISSION OF TEXAS



**CHRISTINA DENMARK
ADMINISTRATIVE LAW JUDGE**