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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, 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	§	

**NOTICE OF APPROVAL
MAKING A DETERMINATION ON COMPENSATION**

In this Notice of Approval, the Commission determines that, for the streamlined expedited release granted in this docket, 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) owe compensation to H-M-W Special Utility District under Texas Water Code (TWC) § 13.2541. The Commission previously granted streamlined expedited release and removed a tract of land from H-M-W SUD's certificated service area under certificate of convenience and necessity (CCN) number 10342. The Commission's determination on compensation is based on the appraisal by the Commission's appointed appraiser.

I. Findings of Fact

The Commission makes the following findings of fact.

Petitioners

1. The petitioners are individuals.

CCN Holder

2. H-M-W SUD is a Texas water district and special utility district under chapters 49 and 65 of the Texas Water Code.
3. H-M-W SUD holds CCN number 10342 that obligates it to provide retail water service in its certificated service area in Harris and Montgomery counties.

Petition

4. On April 1, 2021, the petitioners filed a petition for streamlined expedited release of a tract of land from the CCN holder's service area under CCN number 10342.
5. In an Order filed on November 2, 2021, the Commission granted the petition and released the tract of land from the CCN holder's certificated service area.
6. Ordering paragraph 7 of the November 2, 2021 Order states that this docket would continue for the purpose of determining compensation in accordance with the schedule adopted in Order No. 5 filed on July 15, 2021.

Appraisers and Appraisals

7. On January 11, 2022, the CCN holder filed its appraiser's report, completed by Stanton Park Advisors LLC and dated January 6, 2022, which recommended compensation in the amount of \$6,549,000.
8. On January 11, 2022, the petitioners filed their appraiser's report, completed by Newgen Strategies and Solutions, LLC and dated January 10, 2022, which recommended compensation in the amount of \$648.
9. On March 18, 2022, Commission Staff filed its Commission-appointed appraiser's report, completed by B&D Environmental, Inc. and dated March 18, 2022, which determined compensation in the amount of \$648.

Compensation

10. The amount of compensation owed to the CCN holder by the petitioners for the streamlined expedited release is \$648.

II. Conclusions of Law

The Commission makes the following conclusions of law.

1. The Commission has authority to determine the amount of compensation to be awarded after granting streamlined expedited release under TWC §§ 13.254 and 13.2541.
2. No notice is required to determine the amount of compensation.
3. No opportunity for a hearing to determine compensation for streamlined expedited release is provided under TWC § 13.2541 or 16 Texas Administrative Code (TAC) § 24.245(h)(7).

4. The determination on compensation under TWC § 13.2541 and 16 TAC § 24.245(i) is not a contested case.
5. Under 16 TAC § 24.245(i)(2), if the petitioners and CCN holder cannot agree on an independent appraiser, they must each engage their own appraiser at their own expense, and each appraiser's report must be submitted to the Commission within 70 days after release is granted. After receiving the appraisals, the Commission must appoint a third appraiser who must make a determination of compensation within 100 days after release is granted. The determination by the Commission's appraiser may not be less than the lower appraisal or more than the higher appraisal made by the appraisers engaged by the CCN holder and the petitioners.
6. Under 16 TAC § 24.245(i)(3), the determination of compensation made by the Commission-appointed appraiser is binding on the Commission, the CCN holder, and the petitioners.
7. Compensation in the amount of \$648 is owed by the petitioners to the CCN holder for the release under TWC § 13.2541.
8. Under TWC § 13.2541(i) and 16 TAC § 24.245(i)(2)(B), the petitioners and CCN holder must each pay half the cost of the Commission-appointed appraiser.
9. The Commission processed the petition in accordance with the TWC and Commission rules.

III. Ordering Paragraphs

In accordance with these findings of fact and conclusions of law, the Commission issues the following orders.

1. The petitioners must pay to the CCN holder compensation in the amount of \$648 within 90 days from the date of this Notice of Approval.
2. If they have not already done so, the CCN holder and the petitioners must, within 30 days of the date of this Notice of Approval, each pay half the cost of the Commission-appointed appraiser.
3. The Commission denies all other motions and any other requests for general or specific relief that have not been expressly granted.

Signed at Austin, Texas the 21st day of March 2022.

PUBLIC UTILITY COMMISSION OF TEXAS

A handwritten signature in black ink, appearing to read "Christina Denmark", written over a horizontal line.

**CHRISTINA DENMARK
ADMINISTRATIVE LAW JUDGE**