



## Filing Receipt

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**DOCKET NO. 51973**

Petition of Rodney Earl Mohnke, et al to Amend	*	Before the Public Utility Commission
Water Certificate of Convenience and	*	of the State of Texas
Necessity of HMW Special Utility District	*	
By Expedited Release	*	

**Memorandum on Petitioners' Reply to Motion to Compel**

Comes now the HMW Special Utility District of Harris and Montgomery Counties("HMW"), filing its Memorandum on Petitioners' Motion to Compel and other issues, and states as follows:

I.

With one exception, HMW will not belabor the arguments set forth in its pleadings, and adopts by reference the points set forth in its Response to Motion to Compel regarding the finality of PUC orders.

II.

The exception is HMW's further response to the Petitioners' continued belief that the full Commission has ruled on the question of compensation, and thus has entered a final order in this case.

The requirements for finality are set forth in Government Code 2001.144-146 and 2001.176. To date, they have not been followed by the ALJ or the full Commission.

III.

More importantly, it is inconceivable that Petitioners' assert that the issue of compensation is now final, given that the Commission order on decertification made no reference to it other than to say it would deal with it by a separate order. The compensation issue is a major consideration in the statute that provides for compensating the decertification of CCN's. It is unthinkable that the ALJ or the Commission itself would avoid its duty to rule on an issue fundamental to the statute it purports to enforce.

Wherefore, premises considered, Respondent prays that the ALJ deny the Motion to Compel and clarify its order as requested, that all parties be advised of the date of Consideration by the Commission of the ALJ's findings on compensation, and for other and further relief as appropriate.

Respectfully submitted,

Law Offices of Patrick F. Timmons, Jr., P.C.

/s/

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Certificate of Service

I hereby certify that a true copy of the foregoing Request for Information was served on the addressees shown above and the Texas PUC staff on this 25th day of March, 2022, as provided by 16 TAC Section 22.74.

/s/

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Patrick F. Timmons, Jr.