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DOCKET NO. 51973

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APPLICATION OF RODNEY EARL §
MOHNKE, STEPHEN LEE MOHNKE, §
MELVIN MAX MOHNKE, KENNETH §
WAYNE MOHNKE, KATHLEEN ANN §
MOHNKE-BLAKELY, AND MELL §
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 §

PUBLIC UTILITY COMMISSION
OF TEXAS

**COMMISSION STAFF'S COMMENTS ON ADMINISTRATIVE COMPLETENESS,
NOTICE, AND PROPOSED PROCEDURAL SCHEDULE**

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 dated December 7, 1996 (collectively, the Trust), filed a petition to amend the H-M-W Special Utility District's (HMW SUD's) water certificate of convenience and necessity (CCN) in Harris County by streamlined expedited release. The Trust seeks the expedited release of 99.2669 acres of land that lie within HMW SUD's CCN number 10342.

On April 5, 2021, the administrative law judge (ALJ) filed Order No. 1, directing Staff (Staff) of the Public Utility Commission of Texas to file a recommendation on sufficiency of the petition and notice by May 3, 2021. Therefore, this pleading is timely filed.

I. ADMINISTRATIVE COMPLETENESS

As detailed in the attached memorandum from Jolie Mathis, Infrastructure Division, Staff has reviewed the Trust's petition and the supplemental items filed by the Trust on April 6, 2021, and April 13, 2021, and recommends that it be found administratively complete.

II. NOTICE

Under 16 Texas Administrative Code (TAC) § 24.245(h)(3)(F), the landowner must provide proof that a copy of the petition has been mailed to the current CCN holder via certified mail on the day that the landowner submits the petition with the Commission. The Trust states in its filing that it mailed a copy of its petition to the CCN holder, H-M-W SUD, by certified mail on the day the petition was filed with the Commission. In addition, the Trust provided a copy of the

certified mail receipt for its notice to HMW SUD. Therefore, Staff recommends that the notice issued by the Trust be found sufficient.

III. PROCEDURAL SCHEDULE

Under 16 TAC § 24.245(h)(7), there is an expedited deadline of 60 days for approval of the requested release that begins tolling upon the issuance of an order by the ALJ finding a petition administratively complete.¹ Since Staff recommends that the petition be found administratively complete, Staff proposes the following procedural schedule and requests that the ALJ populate the deadlines accordingly when the ALJ issues that order.

Event	Date
<i>Deadline for HMW SUD and intervenors to file a response to the administratively complete petition</i>	29 days from the date of the order finding the petition administratively complete
<i>Deadline for Staff's recommendation on final disposition</i>	34 days from the date of the order finding the petition administratively complete
<i>Deadline for petitioner to file a reply to HMW SUD's response and Staff's recommendation on final disposition</i>	41 days from the date of the order finding the petition administratively complete
<i>Sixty-day administrative approval of streamlined expedited release</i>	60 days from the date of the order finding the petition administratively complete

IV. CONCLUSION

For the reasons detailed above, Staff respectfully recommends that the Trust's application and notice be found administratively complete, and that the proposed procedural schedule be adopted.

¹ Under 16 TAC § 24.8(d), applications under Subchapter H of Chapter 24 are not considered filed until the commission makes a determination that the application is administratively complete.

Dated: May 3, 2021

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Rachelle Nicolette Robles
Division Director

Heath D. Armstrong
Managing Attorney

/s/ Kevin R. Bartz
Kevin R. Bartz
State Bar No. 24101488
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7203
(512) 936-7268 (facsimile)
kevin.bartz@puc.texas.gov

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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 May 3, 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: April 28, 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, Trustees of the Mohnke Living Trust, to Amend H-M-W Special Utility District's Water 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 Trust) 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 Trust asserts 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.

The Trust submitted a sworn affidavit attesting that the property was not receiving water service from HMW SUD and a warranty deed confirming the Trust's ownership of the tract of land. In addition, the Trust submitted sufficient maps and digital data for determining the location of the requested release area within HMW SUD's certificated service area.

The total property is approximately 99 acres. The requested area to be released from CCN Holder (CCN No. 10342) is approximately 99 acres.

The petition also includes a statement indicating a copy of the petition was sent via certified mail to HMW SUD on the date the petition was filed with the Commission.

Based on the mapping review by Gary Horton and my technical and managerial review of the information provided by the Trust, I recommend the petition be deemed administratively complete and accepted for filing.