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**COMPLAINT OF JOHN BLALOCK
AGAINST MERCY WATER SUPPLY
CORPORATION**

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**PUBLIC UTILITY COMMISSION

OF TEXAS**

**MERCY WATER SUPPLY CORPORATION'S
MOTION TO COMPEL
RESPONSES TO SECOND REQUEST FOR INFORMATION**

On July 22, 2021, Mercy filed its Second Request for Information to Complainant ("RFIs").¹ The same day, counsel for Mercy received an email from Complainant John Blalock ("Blalock") regarding the RFIs, specifically about the RFI 1-1, 1-2, 1-3, 1-7, and 1-8. On July 26, 2021, Blalock filed a Motion to Quash Mercy's Second Request for Information, specifically regarding the same RFIs: 1-1, 1-2, 1-3, 1-7, and 1-8.

Blalock has not responded to any of the RFIs, including RFIs 1-4, 1-5 and 1-6, which were not included in his Motion to Quash.

Motion to Compel

According to the agreed procedural schedule adopted in this case, discovery responses regarding the parties' direct testimony are due ten days from the day the discovery is received.² Blalock's responses due on Monday, August 2, which was the next business day following the ten-day period after July 22, when the RFIs were received.

Regarding Blalock's Motion to Quash, such a motion is only used in connection with subpoenas, according to the Public Utility Commission's ("Commission") procedural rules.³ Mercy accordingly requests that the ALJs deny the motion on a procedural basis.

¹ Mercy Water Supply Corporation's Second Request for Information to Complainant (July 22, 2021).

² See SOAH Order No. 6 – Memorializing Preliminary Hearing; Granting, in Part, and Denying, in Part, Mercy's Motion for Sanctions; Adopting Procedural Schedule and Procedures; Setting Zoom Hearing; and Requiring Procedures at 3 (June 24, 2021).

³ 16 Texas Administrative Code ("TAC") § 22.145(d).

If the ALJs construe the Motion to Quash as objections to the RFIs under the Commission's procedural rules,⁴ then Mercy respectfully requests that Blalock's objections to the RFIs be overruled. Regarding the relevance of RFIs 1-1, 1-2, 1-3, 1-7, and 1-8, Mercy believes all are discoverable topics according to the procedural rules, which permit discovery of any matter relevant to the subject matter of the proceeding.⁵

- **RFI 1-1**: Please describe the telephone or other device you used to participate in the May 4, 2021 Zoom prehearing conference in this case.
 - Relevant to the portion of Blalock's direct testimony regarding access to telephone and internet.
- **RFI 1-2**: Please describe the telephone or other device your child, Allie Blalock, used to participate in the May 4, 2021 Zoom prehearing conference in this case.
 - Relevant to the portion of Blalock's direct testimony regarding access to telephone and internet.
- **RFI 1-3**: Please describe the telephone or other device you and your child, Allie Blalock, used to participate in the June 18, 2021 Zoom prehearing conference in this case.
 - Relevant to the portion of Blalock's direct testimony regarding access to telephone and internet.
- **RFI 1-4**: In your prefiled direct testimony, you refer to a conversation between you and "Anora Walker." Please admit this is the same person you named in your compelled response to Mercy's RFI 1-4, who you called, "Nora Walker."
 - Relevant to a portion of Blalock's direct testimony as it relates to prior discovery.
- **RFI 1-5**: Please provide any documents relating to Anora Walker.
 - Relevant to an individual Blalock names in his direct testimony.

⁴ 16 TAC § 22.144(d).

⁵ 16 TAC § 22.141(a).


- **RFI 1-6**: Please provide any communications between you and any person related to related to Anora Walker.
 - Relevant to an individual Blalock names in his direct testimony.
- **RFI 1-7**: In your prefiled direct testimony, you state that you did not have access to the internet from July 2-July 12. Please provide any documents related to your loss of internet access from July 2-12.
 - Relevant to the portion of Blalock's direct testimony regarding access to telephone and internet.
- **RFI 1-8**: Please provide any communications between you and any person related to related to your loss of internet access from July 2-12, including communications with any internet service provider.
 - Relevant to the portion of Blalock's direct testimony regarding access to telephone and internet.

Contrary to Blalock's argument, all eight RFIs are directly relevant to statements Blalock made in his direct testimony. Accordingly, Mercy respectfully requests that Blalock's Motion to Quash be denied and that he be compelled to respond to Mercy's RFI.

Prayer

Mercy respectfully requests that the Honorable Administrative Law Judges ("ALJ") enter an order denying Blalock's Motion to Quash and compelling responses to all eight RFIs, in the form required by 16 TAC § 22.144. Alternatively, Mercy requests that the ALJs enter an order that at least compels Blalock to respond to RTFIs 1-4, 1-5, and 1-6, in the form required by 16 TAC § 22.144.

Respectfully submitted,

By: 


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ATTORNEYS FOR MERCY WATER SUPPLY
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CERTIFICATE OF SERVICE

I hereby certify that I have served or will serve a true and correct copy of the foregoing document via hand delivery, facsimile, electronic mail, overnight mail, U.S. mail and/or Certified Mail Return Receipt Requested to all parties on this the 5th day of August, 2021.



Grayson E. McDaniel