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COMPLAINT OF JOHN BLALOCK	§	BEFORE THE STATE OFFICE
AGAINST MERCY WATER SUPPLY	§	OF
CORPORATION	§	ADMINISTRATIVE HEARINGS

SOAH ORDER NO. 8
ADDRESSING DISPOSITIVE MOTION,
COMPLAINANT’S MOTION TO QUASH, AND MERCY’S MOTION TO COMPEL

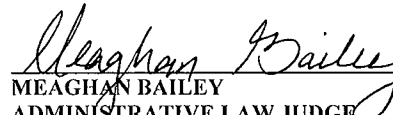
On July 12, 2021, Mercy Water Supply Corporation (Mercy) filed a motion for summary disposition (MSD) pursuant to 16 Texas Administrative Code § 22.182, based on John Blalock’s (Complainant’s) lack of direct testimony and his alleged lack of membership in Mercy. In State Office of Administrative Hearings (SOAH) Order No. 7 issued July 26, 2021, the Administrative Law Judges (ALJs): (1) denied striking Complainant’s late-filed direct testimony for untimeliness; and (2) extended the deadlines for responses and replies to the MSD to July 29, 2021, and August 4, 2021, respectively. Complainant responded in opposition to summary disposition; whereas staff of the Public Utility Commission of Texas responded in support of summary disposition. Mercy then filed a reply in support of its MSD.¹

After considering the motion, responses, and reply, the ALJs conclude that the MSD has merit and should be granted. Therefore, the ALJs will issue a proposal for decision in this proceeding.² The ALJs are aware of Complainant’s Objections to, and Motion to Quash, Mercy’s Request for Information, filed July 26, 2021; and Mercy’s Motion to Compel Responses to its Second Request for Information, filed August 5, 2021. However, given the procedural status of this case, the ALJs do not rule on these discovery issues.

SIGNED August 11, 2021.



HEATHER HUNZIKER
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS



MEAGHAN BAILEY
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS

¹ Complainant’s response to Mercy’s reply, filed August 5, 2021, is stricken for untimeliness. It was filed after the deadlines for responses and replies set in SOAH Order No. 7; and it violated the ALJs’ strict admonition, in that order, that parties must request an extension with SOAH if deadlines could not be met.

² See 16 Tex. Admin. Code § 22.182(f) (requiring preparation of a proposal for decision if issues will be resolved by summary decision).