



## Filing Receipt

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DOCKET:

COMPLAINT OF JOHN

51224

BEFORE THE STATE

BLALOCK AGAINST

SOAH DOCKET:

OFFICE OF

MERCY WATER

473-21-1180.WS

ADMINISTRATIVE

SUPPLY

HEARINGS

CORPORATION

**JOHN BLALOCK’S MOTION FOR RECONSIDERATION OF SOAH**

**ORDER NO. 8**

COMES NOW John Blalock (hereinafter “Mr. Blalock”) to Motion the Administrative Law Judges (hereinafter “ALJ”) to reconsider their decisions in relation to SOAH Order No. 8 in relation to their decision that Mercy Water Supply Corporation’s (hereinafter “Mercy”) Motion for Summary Disposition has Merit:

**I.**

**MR. BLALOCK’S ARGUMENTS AND THE EVIDENCE SUPPORTING  
THEM**

As the arguments raised in Mr. Blalock’s response to Mercy’s reply, while filed untimely, contained the same arguments he has been stating since the beginning of the Formal Complaint process. The evidence used to support those arguments are also exhibits already part of the record:

## **ARGUMENT 1: Mercy's Duty to Inform**

Mr. Blalock has argued before that Mercy failed to notify him of their policies and requirements, this most recently stated in his response to Mercy's MSD. This was also argued in the pre-trial conference, and one of the ALJs asked if Mr. Blalock was stating that Mercy had a duty to act/inform, to which Mr. Blalock's child answered that with a "Yes".

The evidence to support this is Mercy's tariff, which has been on file with the Public Utility Commission since the beginning of the Informal Complaint and has been an exhibit since the beginning of the Formal Complaint. Mercy's tariff requires that their tariff be made available during regular business hours and that a copy be available on their website. Neither of these have been met by Mercy, which creates their duty to act/inform.

For this argument, Mr. Blalock has met his burden of proof as required of him. As the argument and evidence has been/was filed/stated prior to the stricken document being filed, they should be taken into consideration.

## **ARGUMENT 2: Mercy Treating Mr. Blalock as a customer/member and Reba Ivey's death**

Mercy has denied this, but has provided no evidence to counter the records showing fees for reconnections and late payments following Reba Ivey's

(hereinafter “Ms. Ivey”) Death. The only evidence presented by Mercy is Kelley Allbright (hereinafter “Ms. Allbright”) claiming Mercy had no knowledge of Ms. Ivey’s passing. This denial is unsubstantiated, and Ms. Ivey’s obituary was on a public website, which Mercy has had access to for over 5 years. If Mercy would have been keeping proper records, they would have been keeping track of their members to make sure who was alive or deceased. The small estate claim case, documents are on file, was/is available to the public creating another instance that Mercy could have found out about Ms. Ivey’s death beside Mr. Blalock informing them.

## **II.**

### **CONCLUSION**

Mr. Blalock has met his burden of proof before his response to Mercy’s reply, as the arguments and evidence were/are already a part of the record and can, and should, be taken into consideration in relation to Mercy’s MSD. All Mr. Blalock did was point to specific evidence on record to substantiate his arguments.

## **III.**

### **REQUEST FOR RELIEF**

Mr. Blalock respectfully request a reconsideration of SOAH Order No. 8 as Mr. Blalock did meet his burden of proof in showing Mercy failed to act, that he

was treated as a customer/member of Mercy, and that the meter in question is for the Northern Tract.

RESPECTFULLY SUBMITTED BY,

/s/ John Blalock