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COMPLAINT OF JOHN BLALOCK	§	PUBLIC UTILITY COMMISSION
AGAINST MERCY WATER SUPPLY	§	
CORPORATION	§	OF TEXAS

**MERCY WATER SUPPLY CORPORATION’S RESPONSE TO COMPLAINANT’S
MOTION TO RECONSIDER SOAH ORDER NO. 8**

COMES NOW, Mercy Water Supply Corporation (“Mercy”) and timely files this Response (“Response”) to Complainant John Blalock’s (“Blalock”) (with Mercy, the “Parties”) Motion for Reconsideration of SOAH Order No. 8 (the “Motion”).¹ Pursuant to the Texas Administrative Code’s (“TAC”) procedural rules, Mercy had until August 19 to file a response to the motion for reconsideration.² This Response is timely filed.

In SOAH Order No. 8 (the “Order”),³ the honorable administrative law judges (“ALJ”) memorialized the Parties’ briefing on Mercy’s Motion for Summary Disposition⁴ and held that it should be granted. The ALJs agreed with Mercy and Commission Staff that Blalock has not, and cannot, carry his burden of proof that he is entitled to water service from Mercy at Mercy’s expense because he is not, has never been, and is not currently eligible to be, a member of Mercy.

Blalock’s Motion asks that the ALJs reconsider the Order based on arguments that the ALJs already considered in the briefing on Mercy’s Motion for Summary Disposition. Blalock argues, as he already has,⁵ that Mercy had a “duty to inform” him of the membership requirements.⁶ As Mercy discussed in detail in briefing, Blalock’s argument is not supported by the law and fails to

¹ John Blalock’s Motion for Reconsideration of SOAH Order No. 8 (Aug. 16, 2021).

² See 22 TAC § 22.123(b)(4) (“Any response to a motion for reconsideration shall be filed within three working days of the filing of the motion.”).

³ SOAH Order No. 8 – Addressing Dispositive Motion, Complainant’s Motion to Quash, and Mercy’s Motion to Compel (Aug. 11, 2021).

⁴ Mercy Water Supply Corporation’s Motion for Summary Disposition (July 12, 2021).

⁵ See, e.g. (July 29, 2021); John Blalock’s Response to Commission Staff’s Response to Mercy WSC’s Motion for Summary Disposition at 2-3 (Aug. 2, 2021).

⁶ Motion at 2.

establish that he is entitled to water service.⁷ Blalock's Motion also reiterates his previous argument that Mercy either knew or should have known about his mother's death.⁸ Mercy has provided a sworn affidavit and direct testimony that contradicts this assertion.⁹ Even if this fact was true, it would not make Blalock entitled to water service without first completing Mercy's membership requirements.

The Motion merely restates, very briefly and without evidence, two arguments that the ALJs already considered before they entered the Order, and which have been rebutted by Mercy and Commission Staff. Blalock's arguments are not new; moreover, they also do not provide any basis why the ALJs should reconsider the Order, as it provides no reason for holding that the Order was "unjustified or improper."¹⁰

Mercy respectfully requests that the ALJs deny Blalock's Motion, issue a proposal for decision recommending that summary disposition be rendered in Mercy's favor, as Blalock cannot meet his burden of proof; that Order No. 3, requiring Mercy to supply Blalock with temporary water service, should be withdrawn; and that Blalock's complaint should be dismissed with prejudice. Mercy also requests all other relief in law or equity to which it may be entitled.

⁷ See, e.g., Reply in Support of Mercy Water Supply Corporation's Motion for Summary Disposition at 3-6 (Aug. 4, 2021).

⁸ Motion at 3; John Blalock's Response to Mercy's Motion for Summary Disposition at 2.

⁹ See Mercy's Response to Complaint (Sept. 24, 2020) at Ex. B (Affidavit of Kelley Allbright) ¶ 14; see also Direct Testimony of Kelley Allbright at 5-6 (Aug. 5, 2021).

¹⁰ 22 TAC § 22.123(b)(3).

Respectfully submitted,

By: 

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ATTORNEYS FOR MERCY WATER
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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 19th day of August 2021.


Grayson E. McDaniel