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COMPLAINT OF JOHN
BLALOCK AGAINST
MERCY WATER SUPPLY
CORPORATION

PUBLIC UTILITY
COMMISSION OF TEXAS

**COMPLAINANT’S RESPONSE TO COMMISSION STAFF’S REPLIES TO
EXCEPTIONS TO THE PROPOSAL FOR DECISION**

COMES NOW Complainant John Blalock (hereinafter “Mr. Blalock”) to respond to
COMMISSION STAFF’S REPLIES TO EXCEPTIONS TO THE PROPOSAL FOR DECISION:

I.

INTRODUCTION

Commission Staff have stated that Mr. Blalock has failed to state a claim. Mr. Blalock has not failed to state a claim, and this is Commission Staff’s reasoning for Mr. Blalock’s complaint to be dismissed. This reasoning is not based on the evidence submitted during this proceeding.

II.

ARGUMENT

Commission Staff state that Mr. Blalock’s arguments are identical to the ones made prior to Order No. 8, while this is true, the similarities of Mr. Blalock’s arguments are irrelevant to if there is legal standing to them.

Mr. Blalock’s arguments as to the intended service location are relevant under 16 Texas Administrative Code (hereinafter “TAC”) 24.25 and Texas Water Code (hereinafter “TWC”)

67.016, as it shows that Mercy Water Supply Corporation (hereinafter “Mercy”) is in violation of state law. Mercy’s tariff contains the same wording as TWC 67.016 which states, “...as part of the conveyance of real estate from which the membership or other right of participation arose.” If Mercy illegally transferred Reba Ivey’s (hereinafter “Ms. Ivey”) account and membership, then they would have illegally denied Mr. Blalock the chance to transfer the account and membership, which is cheaper to do than starting a new account and a new membership. Mercy would also be in violation of 16 TAC 24.25, as they imposed practices not prescribed by their tariff.

Mercy’s duty to inform is applicable to the issue in this case. Mercy’s failure in informing Mr. Blalock of the required fees and paperwork, they denied Mr. Blalock the chance to fill it out prior to the Informal Complaint and the current Formal Complaint. Had they informed Mr. Blalock sooner, then this situation would have been avoided as the account and membership would have already been transferred.

Mr. Blalock believes he should only be responsible for the fees related to the transfer of a membership, not in obtaining a new account, membership, and meter. As Mercy has stated, he would only owe \$20 USD for a membership transfer (Direct Testimony of Kelley Allbright, filed 05th day of August of 2021).

The \$200 USD being held by Mercy now, through interest, is actually worth \$1415.14 USD. This calculation is with an average interest rate of 15% per month that the money has been illegally held. As Mercy contends that the membership was cancelled in August of 2021, then that comes out to 14 months at the time of this filing. $f1=200*1.15^{14}$ Therefore, the initial \$200 can be returned for the membership and account be reinstated, and the

account and membership be transferred to Mr. Blalock's name for the fee of \$20 USD, with an excess of \$1195.14 USD. **Mr. Blalock is willing to forgo the remaining funds in the amount of \$1195.14 USD as a show of good faith and to cover the fees sanctioned against him (Order No. 6 filed by the State Office of Administrative on the 4th day of June of 2021).**

Mr. Blalock's Application was fully filled, with the only pages left blank are ones not relevant to the binding of the *Application and Agreement for Service* but was if Mr. Blalock requested for his private information to be kept private and the area for emergency contact, which are not required. And, the only other part that was left blank was the notary page on the Membership Transfer Authorization. All of these documents were filed on the 9th day of October of 2020.

III.

CONCLUSION

Despite the Commission Staff's assertions, Mr. Blalock has made claims that are able to be ordered by the Public Utility Commission, Mercy does owe Mr. Blalock enough funds, and Mr. Blalock has filled out an *Application and Agreements for Service* and a *Membership Transfer Authorization*. As Mercy holds more than enough funds for: (1) the initial \$200 for Ms. Ivey's account and membership; (2) the fee of \$20 USD for a membership transfer; (3) the fees sanctioned against Mr. Blalock in Order No. 6 from the State Office of Administrative Hearings. All that is needed is for Mercy to be willing to accept the compromise, and Mr. Blalock will forgo the remaining funds.

RESPECTFULLY SUBMITTED BY,

/s/John Blalock