



Control Number: 51224



Item Number: 124

Peter M. Lake
Chairman

Will McAdams
Commissioner

Lori Cobos
Commissioner

Jimmy Glotfelty
Commissioner



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Greg Abbott
Governor

Thomas J. Gleeson
Executive Director

Public Utility Commission of Texas

TO: Peter M. Lake, Chairman
Will McAdams, Commissioner
Lori Cobos, Commissioner
Jimmy Glotfelty, Commissioner

All Parties of Record

FROM: Stephen Journeay, Commission Counsel

DATE: 17 November, 2021

RE: November 18, 2021 Open Meeting – Item No. 31
Docket No. 51224 – *Complaint of John Blalock Against Mercy Water Corporation*

A proposal for decision in the above referenced docket is posted for consideration and action by the Commission. If the Commission approves the proposal for decision, I recommend the following changes.

Findings of fact two and three should be modified for accuracy and completeness. Mercy Water Supply Corporation did not provide service to 1611 Bowen Loop. Mercy provided service to 1601 Bowen Loop through a meter located at that address. Mr. Blalock connected piping to the meter located at 1601 Bowen Loop to connect his residence at 1611 Bowen Loop to Mercy's water system.

2. ~~The water service to 1611 Bowen Loop was provided by Mercy Water Supply Corporation (Mercy)~~ provided water service to 1601 Bowen Loop. Mr. Blalock and his son connected piping to the system at 1601 Bowen Loop to provide water to his residence at 1611 Bowen Loop.
3. Water service to Mr. Blalock's residence was discontinued on or about August 7, 2020 when Mercy disconnected service to 1601 Bowen Loop.

New findings of fact are necessary for accuracy and completeness to account for Mr. Blalock's non-membership of Mercy. Mr. Blalock has admitted that he has not satisfied the requirements for membership and has refused to comply with all the requirements for membership.

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12A. Mr. Blalock admitted that he has never completed, signed, or submitted the application or membership transfer forms required to become a member of Mercy.

12B. Mr. Blalock has refused to sign the application on the basis that he should not be responsible for the fees required for membership in Mercy.

New findings of fact are necessary to support why Mr. Blalock is not entitled to Mercy water service. Discontinuance of service to Mr. Blalock and disconnection from Mercy's water system were permissible under TWC § 13.250(d)(3) and 16 TAC § 24.167(b)(2).

23A. Mercy discontinued water service to non-member Mr. Blalock in the usual course of business.

Similarly, conclusion of law 10 should be split into two conclusions of law to distinguish the bases for discontinuance of service to Mr. Blalock and disconnection of Mercy's water system.

10. Mr. Blalock's lack of membership in Mercy is a basis for discontinuance ~~/disconnection~~ of service to his residence under TWC § 13.250(d)(3) ~~and 16 TAC § 24.167(b)(2).~~

10A. Mr. Blalock's lack of application for service from Mercy is a basis for disconnection of the pipeline he constructed to his residence under 16 TAC § 24.167(b)(2).

Additionally, the Commission should delegate to the Office of Policy and Docket Management the authority to modify the order to conform to the *Citation and Style Guide for the Public Utility Commission of Texas* and to make other non-substantive changes to the order for such matters as capitalization, spelling, grammar, punctuation, style, correction of numbering, and readability.

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