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COMPAINT OF JOHN
BLALOCK AGAINST
MERCY WATER
SUPPLY
CORPORATION

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PUBLIC UTILITY COMMISSION
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TEXAS

**MR. BLALOCK'S RESPONSE TO "MERCY WATER SUPPLY
CORPORATION'S MOTION TO COMPEL RESPONSE TO MERCY'S
FIRST REQUEST FOR INFORMATION TO COMPLAINTANT"**

COMES NOW John Blalock ("Mr. Blalock") and files this response, and subsequent request to deny the motion to compel response. In support thereof, Mr. Blalock respectfully shows as follows:

Mr. Blalock's objections were proper and should not be overruled. Mr. Blalock's objections were filed with the Public Utility Commission within 10 business days of receiving the Request for Information ("RFI") from Mercy Water Supply Corporation ("Mercy"), which is Mr. Blalock's understanding of the Texas Administrative Code's rule, as any other court would only count business days and not weekends or holidays against the time limit.

And, Mercy's second point is that Mr. Blalock's objections to the RFI are general and not tied to a specific RFI, which is incorrect. Mr. Blalock's objections are noted in his response to the RFI in question. And, unless the questions were related in subject matter, Mr. Blalock did in fact specify his objection(s) as an

‘Answer’ to the RFI to which the object pertained. And, the fact that Public Utility Commission Staff (“Staff”) are not filing to compel Mr. Blalock to respond to the Staff’s RFI would stand to reason that there is some substance to Mr. Blalock’s objections, since Mr. Blalock worded his objections in the same manner in his response to the Staff’s RFI. And, the reason it took so long for Mr. Blalock to file any sort of objections is because he was waiting on a response from the Carlton Law Firm on which questions he was objecting to and why he was objecting to them, since Order No. 7 requires the parties to deal with any issues that may arise from the RFI before involving the ALJ, which Mercy, through their legal representation refused to do.

Third, Mercy is trying to paint their Request/Questions as being proper, when they are not. Where Mr. Blalock has or has not lived does not pertain to Mercy’s service to the Northern and Southern Tracts, nor does it pertain to the facilities directly used to provide such service. As Mercy’s tariff does not require one to live on the property to receive service, so claiming that Mr. Blalock’s residency would play a part in that is false. Mercy is also claiming that their questions are proper in that Mercy’s tariff does allow for denial of service if Mr. Blalock is delinquent with another water service provider. And, Mr. Blalock’s response to that is that Mercy, through their lawyers, is fishing for another reason to make this complaint proceeding to continue on longer by finding a new

argument that has not been used before as reason to why Mr. Blalock should not be granted service and that Mercy should not be found to be in the wrong:

1. Mercy started off this complaint proceeding claiming that the meter installed on the Southern Tract to service the Northern Tract actually was installed on the Southern Tract to service the Southern Tract, but they mainly let go of this argument when the evidence started point to the fact that the meter installed on the Southern Tract was installed to service the Northern Tract.
2. Mercy then started to claim that Mr. Blalock should be denied service on the basis that he would not be considered a Member, nor should he be entitled to service, since he did not meet the requirements to be considered a member. Mercy has started to allow this argument to go the same way as the first, since Mr. Blalock has pointed out that he does meet the requirements for Membership, since he owns property within their service area.
3. Now Mercy is saying that Mr. Blalock having a delinquency of payment with another water service provider would be a basis for denial of service. Yet, this claim only came about now that Mr. Blalock is filing objections against their RFIs. Also, Mercy has already come to the conclusion that Mr. Blalock is not a member, nor

is entitled to service, so there is no basis to their reasoning that his previous addresses and water service providers be made known, since they are stating that a previous delinquency of payment to a previous water service provider would be the basis for denial of service, that they have already committed.

CONCLUSION

Mr. Blalock has acted in good faith when acting on what he believed to be his interpretation of the Commission Rules and the Texas Administrative Code as they pertain to this complaint before the Public Utility Commission at this time. And, as pointed out in this document, Mercy has changed their arguments on multiple occasions. And, at this time, it is Mr. Blalock's belief that Mercy is just trying to fish for information so that they can come up with another argument as to why Mr. Blalock should be denied service and that Mercy was correct in their actions as they pertain to the complaint before the Public Utility Commission.

REQUEST FOR RELIEF

Mr. Blalock respectfully request that Mercy's motion to compel be denied on the basis that their RFIs did not meet the limitations set by Order No. 7, as the RFIs in question do not pertain to Mercy's water service to the Northern and

Southern Tracts, nor do the request pertain to the facilities directly used to provide such service.

Respectfully submitted by,

/s/ John Preston Blalock