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COMPLAINT OF JOHN BLALOCK  
AGAINST MERCY WATER SUPPLY  
CORPORATION

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§

PUBLIC UTILITY COMMISSION  
FILING CLERK  
OF TEXAS

**ORDER NO. 8**

**GRANTING IN PART, AND DENYING IN PART, MERCY WATER SUPPLY  
CORPORATION'S MOTION TO COMPEL; DENYING JOHN BLALOCK'S MOTION  
TO COMPEL; AND GRANTING MOTION TO QUASH**

This Order addresses pending motions.

**I. Mercy Water's Motion to Compel**

On November 18, 2020, Mercy Water Supply Corporation served a first set of requests for information (Mercy Water's First RFIs) on John Blalock. On November 30, 2020, Mr. Blalock filed his responses and objections to Mercy Water's First RFIs. On December 1, 2020, Mercy Water filed a motion to compel Mr. Blalock to more fully respond to Mercy Water's First RFIs. On December 2, 2020, Mr. Blalock filed his response and his amended response to Mercy Water's motion to compel. On December 7, 2020, Mercy Water filed an amended motion to compel.

Under 16 Texas Administrative Code (TAC) § 22.141(a) "Parties may obtain discovery regarding *any matter*, not privileged or exempted under the Texas Rules of Civil Evidence, the Texas Rules of Civil Procedure, or other law or rule, *that is relevant to the subject matter* in the proceeding."<sup>1</sup> "Evidence is relevant if: (a) it has any tendency to make a fact more or less probable than it would be without the evidence; and (b) the fact is of consequence in determining the action."<sup>2</sup>

While Mr. Blalock questions the scope and relevance of many of the requests, Mercy Water demonstrated that, in a number of instances, it seeks information regarding matters relevant to the subject matter in this proceeding, namely whether Mr. Blalock is eligible to receive water service from Mercy Water, which may depend on whether Mr. Blalock is a record owner of a property in the area served by Mercy Water.<sup>3</sup> Additionally, Mercy Water demonstrated many of the requests

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<sup>1</sup> Emphasis added.

<sup>2</sup> Tex. R. Evid. 401.

<sup>3</sup> See TWC §§ 13.002(11), 67.016(d).

are tailored to seek only relevant information. However, it appears to the administrative law judge (ALJ) that Mr. Blalock has adequately responded to some of Mercy Water's requests.

Mr. Blalock additionally made objections to certain requests that would require him to identify individuals who are not parties to this proceeding on the grounds that such identification may violate their right to privacy. However, the Texas Rules of Civil Procedure specifically allow Mercy Water to request the name, address, and telephone number of persons having knowledge of relevant facts and their connection to a case.<sup>4</sup> Mr. Blalock has also not alleged any facts demonstrating that a privilege exists that would exempt him from disclosing such information.<sup>5</sup>

Based on the foregoing, the ALJ grants in part and denies in part Mercy Water's amended motion to compel, as follows:

- Mr. Blalock's objections to the following RFIs from Mercy Water are overruled: 1-4 through 1-9, 1-13 through 1-15, 1-17 through 1-22, and 1-24. As to these RFIs, Mr. Blalock must provide complete responses by January 8, 2021.
- Mr. Blalock's objections to Mercy Water's RFIs 1-1 and 1-2 are partially sustained to the extent that his answers would identify locations outside of San Jacinto County.<sup>6</sup> As to these RFIs, Mr. Blalock must provide responses only as to his places of residence and water providers within San Jacinto County by January 8, 2021.
- Mr. Blalock's objections to the remaining RFIs from Mercy Water are sustained.

## **II. Mercy Water's Motion to Quash and Mr. Blalock's Motion to Compel**

In Order No. 7 filed on October 26, 2020, the ALJ adopted a discovery schedule that was agreed to by the parties. Order No. 7 specified that the deadline for serving written discovery requests was November 18, 2020, and that service would occur by email and filing on the Commission's interchange.

On November 24, 2020, Mr. Blalock served his second set of RFIs on Mercy Water (Blalock's Second RFIs). On December 4, 2020, Mercy Water filed a motion to quash Blalock's

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<sup>4</sup> Tex. R. Civ. P. 192.3(c).

<sup>5</sup> See Tex. R. Evid. Article V

<sup>6</sup> Mercy Water only provides water service in San Jacinto County. Accordingly, any response from Mr. Blalock with a location outside of San Jacinto County would be irrelevant to determining his eligibility to receive service.

Second RFIs on the grounds that they were untimely. On December 7, 2020, Mr. Blalock responded to Mercy Water's motion to quash and moved to compel responses to Blalock's Second RFIs.

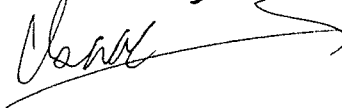
Mr. Blalock asserts that Blalock's Second RFIs were filed and served late because he determined they were necessary based on information he received from Mercy Water after the deadline for serving written discovery requests had passed. Under the agreed procedural schedule adopted in Order No. 7, the deadline to respond to written discovery was 20 days, in accordance with 16 TAC § 22.144(c)(1). However, nothing in the agreed discovery schedule or the Commission's rules required Mercy Water to respond to written discovery requests before the November 18, 2020 deadline.

Mr. Blalock also requested that Blalock's Second RFIs be reclassified as requests for clarification of Mercy Water's responses to Blalock's First RFIs. The ALJ is unable to grant the relief requested by Mr. Blalock.

Based on the foregoing, Mr. Blalock has not cited reasons warranting the extension of the deadlines agreed to by all parties. Accordingly, the ALJ denies Mr. Blalock's motion to compel and grants Mercy Water's motion to quash.

**Signed at Austin, Texas the 11th day of December 2020.**

**PUBLIC UTILITY COMMISSION OF TEXAS**



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**ISAAC TA  
ADMINISTRATIVE LAW JUDGE**