



Control Number: 51224



Item Number: 59

Addendum StartPage: 0

DOCKET NO. 51224

COMPLAINT OF JOHN BLALOCK  
AGAINST MERCY WATER SUPPLY  
CORPORATION

§  
§  
§

PUBLIC UTILITY COMMISSION  
OF TEXAS

RECEIVED  
2021 JAN 21 AM 10:04  
PUBLIC UTILITY COMMISSION  
FILING CLERK

ORDER NO. 11  
GRANTING MOTION FOR RECONSIDERATION OF ORDER NO. 10 IN PART

This Order addresses Mercy Water Supply Corporation's January 5, 2021 second motion to compel and its January 13, 2021 motion for reconsideration of Order No. 10 in part. The administrative law judge (ALJ) grants Mercy Water's motion for reconsideration.

In Order No. 10 filed on January 12, 2021, the ALJ denied Mercy Water's second motion to compel a response to its RFI 1-4 to the extent that it requests privileged information. Mercy Water argues that Mr. John Blalock's assertion of the spousal privilege with respect to his conversations with Kim Sanders, Mr. Blalock's common law wife, is untimely and, accordingly, has been waived.

The Texas Rules of Civil Procedure, do not specify the exact time that a privilege should be asserted.<sup>1</sup> However, the Texas Rules of Civil Procedure regarding discovery are not incorporated into the Commission's procedural rules; discovery is controlled by the Commission's rules.<sup>2</sup> Under the Commission's discovery rules, specifically, 16 Texas Administrative Code § 22.144:

- (d) [O]bjections to requests for information, if any, shall be filed within ten calendar days of receipt of the request for information.

...

- (1) The request for information to which an objection is being filed shall be stated and the specific grounds for the objection shall be separately listed for each question. . . . *All arguments* upon which the objecting party relies shall be *presented in full* in the objection.

---

<sup>1</sup> Tex. R. Civ. P. 193.3. *See, e.g., In re Graco Children's Prod, Inc*, 113 S.W.3d 600, 605 (Tex. App.—Corpus Christi 2005, no pet.) (“Although the time limit for objecting to written discovery is 30 days from the date of service, no objection needs to be made to preserve a privilege and the rules set no time-limit for asserting a privilege.”)

<sup>2</sup> *Application of Southwestern Public Service Company for Authority to Change Rates*, Docket No. 49831, Order on Appeal of SOAH Order No. 5 at 2 (Dec. 19, 2019).

- (2) If the objection is founded upon a claim of privilege or exemption under the Texas Rules of Civil Procedure, the objecting party shall file within two working days of the filing of the objections, an index[.] *A full and complete explanation* of the claimed privilege or exemption shall be provided.<sup>3</sup>

Based on the foregoing, the ALJ concludes that Mr. Blalock's assertion of the spousal privilege is untimely and is, accordingly, overruled. The ALJ grants Mercy Water's second motion to compel a response to RFI 1-4 to the extent it requests Mr. Blalock describe the relevant communications he had with Kim Sanders and provide the contact information for Ms. Sanders, Anastasia Blalock, and Ransom Blalock.<sup>4</sup> Consistent with this order, by January 29, 2021, Mr. Blalock must supplement his responses to RFI 1-4 with a description of relevant communications he had with Ms. Sanders. The procedural schedule established in Order No. 10 remains in place.

**Signed at Austin, Texas the 21st day of January 2021.**

**PUBLIC UTILITY COMMISSION OF TEXAS**



---

**ISAAC TA  
ADMINISTRATIVE LAW JUDGE**

q:\cadm\doCKET management\water\complaints\51xxx\51224-11 grant reconsideration.docx

---

<sup>3</sup> Emphasis added.

<sup>4</sup> On January 13, 2021, Mr. Blalock supplemented his response to RFI 1-4 to provide the contact information requested.