

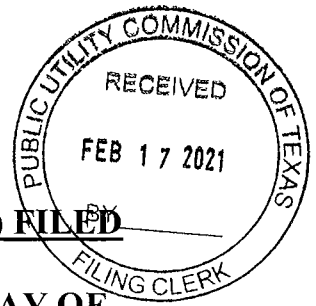


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JOHN BLALOCK'S RESPONSE TO DOCUMENT(S)/MOTION(S) FILED

BY MERCY WATER SUPPLY CORPORATION ON THE 16TH DAY OF

FEBRUARY OF 2021

COMES NOW John Blalock (hereinafter "Mr. Blalock") to reply to the document(s) filed by Mercy Water Supply Corporation (hereinafter "Mercy") on the 16th day of February of 2021:

I.

MERCY'S ACTIONS FOLLOWING REBA IVEY'S DEATH

Mercy stills does not deny that they have accepted payments from Mr. Blalock following the death of Reba Ivey (hereinafter "Ms. Ivey") in 2015. Mercy has also not denied that Mr. Blalock informed them of her passing in January of 2015. The issue of the water meter did not come into question until the situation that arose in August of 2020. For over five (5) years, Mercy treated Mr. Blalock as if he was both a member and a customer. And, did not have an issue with how things were being done. They cannot be allowed to act as if that is not true when their records show payments being made in person by Mr. Blalock, or one of his family members, following Ms. Ivey's death.

This means Mercy has acted in a way, for five (5) years, that would indicate they were waiving the requirements of the transfer and the paperwork required for

service. This waiving of the requirements is not prohibited by any state statute or any of the rules set by the Public Utility Commission (hereinafter “PUC”). And, as such, these actions should have been taken into consideration by Commission Staff in their supplementary position and Mr. Blalock respectfully ask the Administrative Law Judge to take into consideration.

II.

MERCY’S ACTIONS PRIOR TO REBA IVEY’S DEATH

Mercy claims that their tariff allows for multiple meters to be put on the same property. But, only one meter was associated with Gloria Meeks/Hales’ (hereinafter “Ms. Meeks/Hales”) account, before nor after her death in 1997. And, the meter for Ms. Ivey’s account was never removed prior to Ms. Ivey’s death, nor after her death. Both of these facts are backed by the evidence submitted by Mercy in response to Requests for Information (RFIs) from Mr. Blalock and Commission Staff (hereinafter “Staff”).

If Mercy did install multiple meters for the account under Ms. Meeks/Hales, as they say their tariff allows, then the numbers for those meters would be included in the records for Ms. Meeks/Hales. As there are not multiple meters associated with her account, then this statement by Mercy does not have any evidentiary backing besides that their tariff allows it.

Since Mercy wants to point out what their tariff allows. Mr. Blalock would like to point out that Mercy's tariff also allows for meters to be placed on other properties as long as there are not legal or safety issues. At the time of the instillation of the meter there would have not been any legal or safety issues for Mercy, as the Southern Tract was owned by Ms. Meeks/Hales, who was/is Ms. Ivey's biological sister removing any legal complications as long as she was okay with it. Ms. Meeks/Hales being okay with it can be deduced from the Easement for Right-Of-Way signed by Ms. Meeks/Hales and filed in the records for Ms. Ivey's account in December of 1995, after Ms. Ivey applied for service just a few months prior.

And, Mercy keeps implying that they allow their customers pick the position of the meter, while their 'Applications and Agreements for Service' state that the corporation picks the spot. And, as there is nothing in Ms. Ivey's records stating where she wanted the meter to be installed, there is no evidence to back this claim by Mercy. This means, without evidence to the contrary, Mercy is the one that decided where the meter would be installed in 1995.

III.

MERCY'S MOTION TO DISMISS

Mercy filed a motion to Dismiss with Prejudice for the following reasons: (1) Mr. Blalock's request of relief cannot be granted as a matter of law.

Mr. Blalock contends that his request of relief can be granted by the ALJ as a matter of law, as Mercy has treated him as they would any customer for over five (5) years with no problems, including charging for things such as service restoration fees. And, Mr. Blalock has not admitted that he is not a member, but has stated that he was never informed of what he needed to do by Mercy's Staff therefore preventing him from completing what needed to be done, which are similar statements but have completely different meanings as they put the responsibility on different parties.

As such, Mercy's Motion to Dismiss is without merit, their reasons can be disproven by the records they submitted, but were not considered by Staff.

IV.

MOTIONS FOR SANCTIONS

Mercy is accusing Mr. Blalock of abusing the discovery process and filing documents that needlessly prolonged this proceeding:

MR. BLALOCK'S COMMENTS FILED OCTOBER 7TH OF 2020

Mr. Blalock filed his personal comments separately as they were his personal opinions and did not belong in a pleading/response as pleadings/answers/responses should remain as unbiased as possible no matter if being filed by an individual acting as Pro Se or an attorney, which is what Mr. Blalock was attempting to do.

And, if this were taking place in person, Mr. Blalock would have made sure to keep his personal comments separate from the ones being made in response to a claim made by Mercy.

THE AGENDAS FILED ON NOVEMBER 24TH OF 2020

Mr. Blalock stated as a possibility that Mercy may or may not take those actions.

And, stated that with it being a possibility, he wanted to make sure that they were on file with the PUC. And, stating his belief of what could transpire is not acting without dignity, courtesy, or respect.

Mr. Blalock would like to point to Mercy's response to complaint, where they did not say that Mr. Blalock is possibly connected without authorization and was using an illegal connection, but they submitted it as a factual statement, which is also an accusation of criminal activity as being connected without authorization/illegal connection constitutes theft of services.

THE SECOND RFIs

The questions in this document were erroneously classified and formatted as RFIs.

Mr. Blalock did not know he could ask questions if clarifications were needed on answers/responses to RFIs. And, Mr. Blalock attempted to rectify this when he filed a request for the questions to be reclassified. As all of the questions directly related to Mercy's responses of "No Responsive Documentation Exist", Mr.

Blalock was trying to clarify on why that documentation did not exist or to seek clarification on the records of Ms. Ivey.

MR. BLALOCK'S LETTER FILED ON DECEMBER 8TH OF 2020

The letter was written without the expectation of responses to questions, as the discovery period was over, but was intended to provoke questions that were need to be asked in this case by Staff when they were going over the records provided as they did pertain to this proceeding.

Mr. Blalock is allowed to make his opinions known. And, as previously stated, Mercy had accused Mr. Blalock of criminal activity. And, Mr. Blalock called the integrity and credibility of the parties associated with Mercy into question as the parties were/are trying to misrepresent what the records show (e.g. Mercy's staff stating they would have not known which property was which) and ethics violations (e.g. accusing of criminal activity with no evidence and dishonestly) by legal counsel for Mercy. And, was done with dignity, courtesy, and respect as Mr. Blalock did point to the reasons why he felt that way so that his comments were not without merit.

MR. BLALOCK, AND AGENT(S)'S, ACTIONS CONCERNING MERCY'S FIRST RFIS

Mr. Blalock, and any of his agents, actions were done with good faith. And, he had attempted to respond to Mercy's first RFIs to the best of his ability, upon further clarification by the ALJ with the orders.

Mercy in their motions to compel, kept pushing for exact dates. And, never responded as far as giving any 'wiggle room' if Mr. Blalock could not remember the exact dates. Which Mr. Blalock provided the estimated times as soon as the ALJ issued the order granting Mr. Blalock the ability to give estimated times for his residences. And, in any of his correspondences with the legal counsel for Mercy, Mr. Blalock informed them that he could not remember the exact dates (which was the precise wording), he never stated that he could not give estimated times just not exact dates. Meaning Mr. Blalock did not refuse to answer, nor was he not able to give estimated times, but that he could not answer the question in the way that the legal counsel for Mercy wanted him to answer it. The only time Mr. Blalock could be accused of refusing was when he believed it to be outside of the scope of discovery, which was rectified by the following order issued by the ALJ. Mr. Blalock was incorrect with his belief, and with his belief being rectified, Mr. Blalock made an amendment making his response to RFI 1-13 explicit in nature instead of implicit.

MR. BLALOCK'S MOTIONS TO IMPEACH AND EXCLUDE

Mr. Blalock's filings not made in reference to a discovery dispute, so there was no dispute to be discussed in good faith. Mr. Blalock also complied with the requirements set by the Texas Rules of Evidence in reference to impeaching a witness.

Mr. Blalock withdrew his 'Motion to Exclude' as soon as he realized his mistake. The correcting of his mistake shows that he understood he was wrong, and was trying to correct it, which would be dignified, courteous, and respectful.

Mr. Blalock's letter was filed to give all parties a 'heads-up' of his intentions, which was done as a courtesy, despite it not being required by Commission Rules, Texas Rules of Civil Procedure, nor Texas Rules of Evidence.

According to Texas Rules of Evidence, any party to a proceeding can motion to impeach a witness on inconsistent statements or a bias/interest they may have in a proceeding. Mr. Blalock was just trying to exercise the legal rights granted to him by the Texas Rules of Evidence.

V.

MR. BLALOCK'S REQUEST FOR A HEARING

As stated in Mr. Blalock's original request for a hearing, which was included with his response to the supplementary position filed by Staff, Mr. Blalock pointed out evidence that was not considered by Staff as the reasoning for his request for a

hearing. Mr. Blalock's filing for his request for a hearing was also done within a timely manner.

As stated before, Mr. Blalock has not admitted he is not a member, but has held to the claim/statement that he was kept from being able to comply with the requirements set by statutes and Mercy's tariff, which are similar but different statements in meaning and wording. Mr. Blalock has also held to the fact that Mercy treated him as a customer/member by accepting payments from him for the time period between January of 2015 and August of 2020.

VI.

THE AFFADAVITS

Mr. Blalock stated in his responses to Staff RFIs that he would provide witness statements, not affidavits. Mr. Blalock did submit a witness statement with his response to the RFIs from Mercy, but was unaware that the witness statement that was meant to go with his response to Staff RFIs had not been filed as it was supposed to have been combined with his responses to the RFIs from Staff. And, this would have been a technical issue and was not intentional on his part. And, Mr. Blalock still has a copy of the witness statements that were meant to be filed with his responses to the RFIs from Staff and is willing to resubmit them.

VII.

CONSIDERATION OF ADDITIONAL INFORMATION NOT REQUIRED

Mr. Blalock has submitted comments and pleadings pointing out that Mercy has accepted payments from him with no issue until this situation arose. And, Mr. Blalock brought up the fact that this was not touched on despite the fact that the records for Ms. Ivey shows payments made after her death and even following the Small-Estate Case. And, as the Staff's position does not touch on this or even mention it, Mr. Blalock does have the legal right to ask for it to be taken into consideration and use its lack of consideration as reasoning for a hearing to be requested.

A lack of consideration for the evidence is a violation of Mr. Blalock's rights as a citizen and violates his rights to have his case heard to its fullest. In any civil/criminal case, a lack of consideration for material evidence is grounds for a mistrial and an appeal. But, as an interim order from the ALJ for a hearing or dismissal has not been made, Mr. Blalock is also reserving his right to file an appeal.

VIII.

REQUEST FOR RELIEF

Mr. Blalock respectfully request; (1) his request for a hearing to be granted (2) Mercy's Motion for Dismissal to be denied, and (3) Mercy's Motion for Sanctions to be denied.

RESPECTFULLY SUBMITTED BY,

/s/ John Preston Blalock