



Control Number: 51224



Item Number: 75

Addendum StartPage: 0

COMPLAINT OF JOHN BLALOCK AGAINST MERCY WATER SUPPLY CORPORATION	§ § §	PUBLIC UTILITY COMMISSION OF TEXAS
---	-------------	---

COMMISSION STAFF'S PROPOSED LIST OF ISSUES

On August 27, 2020, John Blalock (Mr. Blalock) filed a complaint against Mercy Water Supply Corporation (Mercy WSC) (collectively, the parties) under 16 Texas Administrative Code (TAC) § 22.242 regarding water service.

On February 8, 2021 and February 17, 2021, Mr. Blalock requested that the matter be referred to the State Office of Administrative Hearings (SOAH) for a hearing on the merits.¹ On April 5, 2021, the Commission issued an Order of Referral requiring the parties, and allowing Staff, to file a list of issues to be addressed in this docket by April 9, 2021. Therefore, this pleading is timely filed.

I. PROPOSED LIST OF ISSUES

Staff has identified the following issues to be addressed in this docket:

1. Did Mr. Blalock comply with the Commission's informal complaint process? If not, should this complaint be dismissed?²
2. Is Mr. Blalock a member of Mercy WSC and therefore entitled to water service from Mercy WSC?³ If not, is Mr. Blalock entitled to such service on any other grounds?
3. Was Reba Ivey's membership in Mercy WSC transferred to Mr. Blalock?⁴
4. Was the water meter installed by Mercy WSC on the Southern Tract⁵ intended to serve the Southern Tract or Mr. Blalock's property/the Northern Tract⁶?

¹ See John Blalock's Response to Commission Staff's Supplemental Statement of Position and Request for Hearing at 4-5 (Feb. 8, 2021); John Blalock's Response to Document(s)/Motion(s) Filed by Mercy Water Supply Corporation on the 16th Day of February of 2021 at 8-9 (Feb. 17, 2021).

² 16 Texas Administrative Code (TAC) § 22.242(c).

³ TWC § 13.002(11); 16 TAC § 24.3(19); Mercy WSC Tariff.

⁴ TWC § 67.016(a)(1)-(2), (c); Mercy WSC Tariff.

⁵ 1601 Bowen Loop, Cleveland, TX 77328 (Southern Tract).

⁶ 1611 Bowen Loop, Cleveland, TX 77328 (Mr. Blalock's property/the Northern Tract).

5. Did Mr. Blalock improperly connect piping from Mercy WSC's water facilities to his home/property in order to receive water service from Mercy WSC without its authority?⁷
6. Did Mercy WSC properly comply with the Texas Water Code (TWC) and Commission rules when it ceased provision of water service to Mr. Blalock's property?⁸ If not, is Mercy WSC obligated to restore water service?
7. Are discovery sanctions appropriate in this matter?⁹

II. ISSUES NOT TO BE ADDRESSED

Staff has not identified any issues not to be addressed.

III. CONCLUSION

Staff respectfully requests that its list of issues be among the issues considered by the Commission in this proceeding.

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Rachelle Nicolette Robles
Division Director

Rashmin J. Asher
Managing Attorney

/s/ Justin C. Adkins
Justin C. Adkins
State Bar No. 24101070
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7389
(512) 936-7268 (facsimile)
Justin.Adkins@puc.texas.gov

⁷ 16 TAC § 24.167(b)(2).

⁸ TWC §§ 13.250, 13.2501; 16 TAC § 24.167.

⁹ 16 TAC § 22.161.

PUC DOCKET NO. 51224
SOAH DOCKET NO. 473-21-1880.WS

CERTIFICATE OF SERVICE

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on April 9, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Justin C. Adkins

Justin C. Adkins