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COMPLAINT OF JOHN SOAH DOCKET: 473- PUBLIC UTILITY
BLALOCK AGAINST 21-1880. WS COMMISSION OF
MERCY WATER TEXAS
SUPPLY
CORPORATION

**JOHN BLALOCK’S RESPONSE TO MECY WATER SUPPLY
CORPORATION’S OBJECTION TO HIS DIRECT TESTIMONY**

COMES NOW Complainant John Blalock (hereinafter “Mr. Blalock”) to respond to the objection(s) raised by Mercy Water Supply Corporation (hereinafter “Mercy”):

EXCEPTIONS TO TEXAS RULES OF EVIDENCE 801

Texas Rules of Evidence rule 801 has exceptions listed under Rule 803 such as present tense impressions. The statement being objected to by Mercy’s legal representation, was a description of statements made by Anora Walker. And, it would fall under the exception made for Present Tense Impressions:

1. It was statements describing, or explaining, the actions Ms. Walker and Mr. Blalock would have had to do in order for the deal (“the event”) to take place, meeting the requirement for the statements to describe or explain an event or condition.

2. The statements described were made while or immediately after the event.

ANORA WALKER

Ms. Walker's condition of being an unsworn or sworn witness has no bearing on if statements by her can be admitted. And, as she is/was associated with Mercy, it would have been diligent of them to have gotten a sworn statement from her, as Kelley Allbright would have known that Mr. Blalock had contact with Ms. Walker in connection to the subject matter of this complaint. And, as the statements were/are considered Present Tense Impressions, they are not dependent on the declarant being available as a witness. And, as Mercy is not contending her previous position with them, her being the previous office manager for them can, and should, be treated as fact.

ARE THE STATEMENTS SUPPORTED BY EVIDENCE

Yes, the statements are supported by the evidence. Specifically, it is supported by evidence submitted by Mercy in response to Requests for Information (hereinafter "RFI") from Mr. Blalock and Commission Staff (hereinafter "Staff"):

1. The water service was continued, following the death of Reba Ivey (hereinafter "Ms. Ivey") and Mercy being informed of her passing, to Ms. Ivey's account. (Shown by the records submitted by Mercy in response to RFI 1-1 from Complainant)

2. Mr. Blalock paid reconnection fees and late fees, to either restore service that had been shut-off or on payments that were late, as required for his part of the deal. (Shown by the records submitted by Mercy in response to RFI 1-1 from Complainant)

CONCLUSION

The statements are exceptions to Rule 801 of the Texas Rules of Evidence, and there is evidence that implicitly, and possibly explicitly, supports Mr. Blalock's description, or explanation, of the events that transpired.

REQUEST FOR RELIEF

Mr. Blalock respectfully request that Mercy's objection be overruled as Mr. Blalock's statement, while hearsay can be substantiated by records and are an exception to Rule 801 of the Texas Rules of Evidence.

RESPECTFULLY SUBMITTED BY,

/s/ John Blalock