



OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
AUSTIN

GERALD C. MANN  
ATTORNEY GENERAL

Honorable C. F. Petet, Secretary  
Railroad Commission of Texas  
Austin, Texas

Dear Sir:

Opinion No. 0-2706

Re: Whether the Railroad Commission of Texas has authority to issue process and take written or oral depositions

We have your letter of September 4, 1940, in which you ask us whether the Railroad Commission of Texas has power and authority to issue process and take written or oral depositions, instead of compelling the personal attendance of witnesses.

You are advised that the Railroad Commission of Texas has authority to issue process to take written or oral depositions, under the provisions of Articles 6472 and 6472 (a), Vernon's Annotated Civil Statutes. With reference to matters pending before the Motor Transportation Division of the Railroad Commission of Texas, the Railroad Commission is only authorized to take the written depositions of witnesses, under the provisions of Article 6472 (b), Vernon's Annotated Civil Statutes.

Article 6472, Vernon's Annotated Civil Statutes, provides as follows:

"The Commission may in its discretion issue proper process and take written or oral depositions instead of compelling personal attendance of witnesses. The fees of an officer executing any process issued under the provisions of this title shall be such as the Commission may allow, not to exceed fees as prescribed by law for similar services."

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Article 6472 (a), Vernon's Annotated Civil Statutes, was passed in 1930 as Chapter 43 of the Acts of the 41st Legislature, Fifth Called Session. This statute, which provided that it should be cumulative of all laws relating to the taking of depositions by or before the Railroad Commission, reads as follows:

"In all matters pending for hearing before the Railroad Commission of Texas, or any division thereof, the Commission or any interested party shall have the right to produce the testimony of witnesses by depositions instead of compelling the personal attendance of witnesses. For this purpose the Commission is hereby empowered and authorized to issue commissions and all other process necessary for the purpose of taking such depositions. Any depositions taken, under the provisions of this Act, shall be taken in accordance with the provisions of the Revised Statutes, regulating the taking of depositions in civil cases in so far as the same are applicable."

Article 6472 (b), Vernon's Annotated Civil Statutes, was passed in 1937 as Chapter 254 of the Acts of the 45th Legislature. This statute is rather lengthy, and we shall therefore not set it out in this opinion. We wish to point out, however, that this statute provides only for the taking of written depositions, and section 4 of this article expressly provides that Articles 6472 and 6472 (b) shall not be applicable to proceedings before the Motor Transportation Division of the Railroad Commission of Texas.

Yours very truly

APPROVED SEP 10, 1940

ATTORNEY GENERAL OF TEXAS

GERALD C. MANN  
ATTORNEY GENERAL OF TEXAS

By

James F. Hart  
Assistant

JFH:LN

Approved  
Opinion  
Committee  
By E. W. B.  
Chairman