

Subchapter H. DISCOVERY PROCEDURES.

§22.143. Depositions.

- (a) **Governing statute.** The taking and use of depositions in any proceeding shall be governed by APA. A request to issue a commission for deposition shall be filed no later than five working days before the date of the deposition. Issuance of a commission for deposition is a ministerial act and does not preclude requests for issuance of a protective order pursuant to §22.142 of this title (relating to Limitations on Discovery and Protective Orders).
- (b) **Deposition by agreement.** Upon agreement of the parties, parties may waive the requirement of issuance of a commission. All parties shall be given no less than three working days notice of depositions, including the person to be deposed, the date, time, and place of the deposition, and the subject of the deposition.
- (c) **Copy to be provided.** Upon receipt of a transcript of the deposition by the party, the party conducting the deposition shall provide a copy of the transcript to commission staff.
- (d) **Agreements.** An agreement affecting a deposition upon oral examination is also enforceable if the agreement is recorded in the deposition transcript.