



TXU to reverse efforts it has undertaken to mitigate its estimated stranded costs as part of the transition to a deregulated, competitive retail market for the sale of electricity in Texas.

Six MEMBERS of the Court vote to deny relief for different reasons. CHIEF JUSTICE PHILLIPS, joined by JUSTICE ENOCH and JUSTICE GODBEY, would not exercise mandamus jurisdiction because TXU has an adequate remedy at law. JUSTICE BAKER, joined by JUSTICE RODRIGUEZ, would hold that the relief TXU seeks is against the Commission, over which the Court has no original mandamus jurisdiction. JUSTICE BRISTER would hold that the portions of the Commission's orders of which TXU complains do not constitute a clear abuse of discretion. JUSTICE HECHT, joined by JUSTICE OWEN and JUSTICE JEFFERSON, would grant relief.

The petition for writ of mandamus is denied.

Opinion delivered: December 31, 2001