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LOS ANGELES
SUPERIOR COURT

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

BC285598

CRUZ M. BUSTAMANTE, on behalf of himself and all others similarly situated, on behalf of general public and as a representative taxpayer, Plaintiffs, v. THE McGRAW-HILL COMPANIES, INC., FINANCIAL TIMES ENERGY, SOUTHERN CALIFORNIA GAS COMPANY, SEMPRA ENERGY, EL PASO CORPORATION, EL PASO MERCHANT ENERGY COMPANY, EL PASO MERCHANT ENERGY-GAS L.P., EL PASO NATURAL GAS COMPANY, EL PASO TENNESSEE GAS PIPELINE COMPANY, TENNECO, WILLIAMS ENERGY SERVICES, WILLIAMS ENERGY MARKETING & TRADING, MIRANT, INC., MIRANT AMERICAS ENERGY MARKETING, MIRANT CALIFORNIA, SOUTHERN ENERGY DELTA, L.L.C., SOUTHERN ENERGY POTRERO, L.L.C., RELIANT ENERGY INC., RELIANT WHOLESALE GROUP, RELIANT ENERGY SERVICES, RELIANT ORMOND BEACH, L.L.C., RELIANT ENERGY ETIWANTDA, L.L.C., RELIANT ENERGY ELLWOOD, L.L.C., RELIANT ENERGY MANDALAY, L.L.C., RELIANT ENERGY COOLWATER, L.L.C., DUKE ENERGY, DUKE ENERGY NORTH AMERICA, DUKE ENERGY	CASE NUMBER: **CLASS ACTION** PLAINTIFFS' COMPLAINT FOR: 1. VIOLATION OF CALIFORNIA PENAL CODE SECTION 395; 2. UNLAWFUL BUSINESS ACTS OR PRACTICES IN VIOLATION OF CALIFORNIA BUSINESS & PROFESSIONS CODE §§17200 *ET SEQ.;* 3. CIVIL CONSPIRACY; 4. AIDING AND ABETTING

TRADING AND MARKETING; L.L.C., DUKE ENERGY MORO BAY, L.L.C., DUKE ENERGY MOSS LANDING, L.L.C., DUKE ENERGY OAKLAND, L.L.C., DUKE ENERGY SOUTH BAY, L.L.C., DYNEGY, INC., DYNEGY ENERGY MARKETING AND ORIGINATION INC., DYNEGY MARKETING AND TRADE, INC., EL SEGUNDO POWER, L.L.C., LONG BEACH GENERATION, L.L.C., CABRILLO POWER I, L.L.C., CABRILLO POWER II, L.L.C., AMERICAN ELECTRIC POWER, AQUILA, INC. and DOES 1 through 200, inclusive,

Defendants.

Plaintiff, Lieutenant Governor Cruz Bustamante, on behalf of himself and all others similarly situated, on behalf of the general public and on behalf of taxpayers, based on information and belief and the investigation of counsel, hereby alleges:

SUMMARY OF ALLEGATIONS

1. This action arises from the defendants' scheme to report and publish false and fraudulent natural gas prices with the intent to affect the market price of natural gas and electricity in California. The defendants' actions in this matter constitute criminal conduct. The defendants named herein engaged in a surreptitious course of conduct intended to artificially inflate the market price of natural gas within the state, and, in turn, affect the market price of electricity in California. Defendants reaped exorbitant and elicit profits by gouging California consumers.

2. The defendants named herein caused false information regarding the cost and volume of natural gas to be published in the natural gas price indexes, which help to determine how much money millions of Californians will pay for electricity. The defendant publishers of *Gas Daily* and *Inside FERC Gas Market Reports,* charged with the duty to provide impartial reporting of natural gas prices, sloughed off all standards of journalistic integrity. Further, the defendant publishers knew that *Gas Daily* and *Inside FERC Gas Market Reports* were indexes relied upon in California to determine the price of natural gas and electric rates. Despite this knowledge, these defendants

conspired with the other defendants named herein, knowingly reporting false information, and employed absolutely no means to verify information given them by the market participant defendants. All defendants named herein committed fraud on California for the sake of fattening their profit margins.

3. This suit is brought on behalf of the general public and on behalf of taxpayers as a representative action under Code of Civil Procedure section 526(a). Plaintiff seeks to recover damages suffered by the State of California and on behalf of the general public under Business & Professions Code section 17204. Plaintiff seeks declaratory and injunctive relief directed at stopping the defendants from future unlawful, fraudulent, unfair business acts or practices.

PARTIES

Plaintiffs

4. Plaintiff Lieutenant Governor Cruz Bustamante at all times relevant hereto was and is a resident of the State of California, brings this action individually as a natural gas and electricity ratepayer, and on behalf of the general public and as a representative tax payer to stop, and recover for, defendants' wrongful acts upon the citizens of the State of California.

Publisher Defendants

5. Plaintiff is informed and believes, and therefore alleges that Platts, formerly known as Platt's Energy, Inc., and now a division of The McGraw-Hill Companies, Inc., headquartered in New York, New York, publishes the *Gas Daily* and *Inside FERC Gas Market Reports*, indexes of natural gas prices.

6. Plaintiff is informed and believes, and therefore alleges that Financial Times Energy ("FT Energy"), a business entity, form unknown, formerly published the *Gas Daily*, an index of natural gas prices.

Market Participant Defendants

7. Plaintiff is informed and believes, and therefore alleges, that defendant Southern

California Gas Company ("SoCal Gas") was and is at all relevant times a corporation duly formed under the laws of the State of California, and is authorized to and does carry on business in the County of Los Angeles, State of California. Defendant Sempra Energy acquired the parent company of SoCal Gas in approximately June, 1998.

8. Plaintiff is informed and believes, and therefore alleges, that defendant Sempra Energy ("Sempra") was and is at all relevant times a corporation duly formed under the laws of the State of California, and is authorized to, and does, carry on business in the County of Los Angeles, State of California.

9. Plaintiff is informed and believes, and therefore alleges, that El Paso Corporation was and is at all relevant times a Delaware corporation doing business in the State of California. El Paso Merchant Energy Company, is a Delaware corporation, and is affiliated with defendant El Paso Merchant Energy-Gas L.P., on information and belief an Arkansas corporation, both of which have at all relevant times conducted substantial business in the State of California. El Paso Natural Gas Company is a Delaware corporation which has at all relevant times conducted substantial business in the State of California. Defendant El Paso Tennessee Gas Pipeline Company, formerly known as Tenneco, is a Delaware corporation which has at all relevant times conducted substantial business in the State of California. The El Paso entities are referred to collectively herein as "El Paso."

10. The Williams Companies defendants are Williams Energy Services and Williams Energy Marketing & Trading. The Williams Companies are headquartered in Tulsa, Oklahoma, have at all relevant times conducted substantial business in the State of California. These defendants are referred to collectively herein as "Williams."

11. The Southern Energy and Mirant defendants are Mirant, Inc.; Mirant Americas Energy Marketing; Mirant California; Southern Energy Delta, L.L.C.; and Southern Energy Potrero, L.L.C. These defendants are referred to collectively herein as "Mirant." The Mirant companies are headquartered in Atlanta, Georgia, have at all relevant times conducted substantial business in the State of California.

12. The Reliant defendants are Reliant Energy, Inc.; Reliant Wholesale Group; Reliant Energy Services; Reliant Ormond Beach, L.L.C., Reliant Energy Etiwantda, L.L.C., Reliant Energy Ellwood, L.L.C.; Reliant Energy Mandalay, L.L.C.; and Reliant Energy Coolwater, L.L.C. These defendants are referred to collectively herein as "Reliant." Reliant is headquartered in Houston, Texas, and at all relevant times herein conducted substantial business in the State of California.

13. The Duke Energy defendants are Duke Energy; Duke Energy North America; Duke Energy Trading and Marketing, L.L.C.; Duke Energy Morro Bay, L.L.C.; Duke Energy Moss Landing, L.L.C.; Duke Energy Oakland, L.L.C.; and Duke Energy South Bay, L.L.C. These defendants are referred to collectively herein as "Duke Energy." Duke Energy is headquartered in Houston, Texas, and at all relevant times herein conducted substantial business in the State of California.

14. The Dynegy defendants are Dynegy, Inc.; Dynegy Energy Marketing and Origination Inc.; Dynegy Marketing and Trade, Inc., El Segundo Power, L.L.C.; Long Beach Generation, L.L.C.; Cabrillo Power I, L.L.C.; and Cabrillo Power II, L.L.C. These defendants are referred to collectively herein as "Dynegy." Dynegy is headquartered in Houston, Texas, and at all relevant times herein conducted substantial business in the State of California.

15. Plaintiff is informed and believes, and therefore alleges, that defendant American Electric Power ("AEP") was and is at all relevant times a corporation, headquartered in Columbus, Ohio. At all times relevant herein, AEP conducted substantial business in the State of California.

16. Plaintiff is informed and believes, and therefore alleges, that defendant Aquila, Inc., was and is at all relevant times a corporation, headquartered in Kansas City, Missouri. At all times relevant herein, Aquila, Inc., conducted substantial business in the State of California.

17. The true names, identities and/or capacities of the defendants sued herein as Does 1 through 200, inclusive, are unknown to Plaintiff, who therefore sues these defendants by such fictitious names. Plaintiff will seek leave of this Court to amend this complaint to allege their true names, identities and/or capacities when ascertained. Plaintiff is informed, believes and therefore alleges that each of the fictitiously named defendants is responsible in some manner for the unlawful conduct alleged and its effect, engaged in, joined in, and conspired with the other wrongdoers in

carrying out the unlawful activities alleged in this complaint, and that each of their acts, conduct and omissions directly caused injuries to plaintiff, plaintiff class, the general public and taxpayers.

18. In the conduct described in this complaint, each defendant was an agent and/or co-conspirator of each other defendant. By engaging in the conduct alleged herein, each defendant was acting within the course and scope of this agency and conspiracy and with the authorization of each of the other defendants. As a result thereof, defendants and Does 1 through 200 have engaged in a conspiracy to violate the law as detailed herein, to defendants' individual and mutual economic benefit.

JURISDICTION AND VENUE

19. The Court has jurisdiction over all causes of action asserted herein pursuant to the California Constitution, Article VI, §10, because these causes are not given by statute to other trial courts. This Court also has jurisdiction in that plaintiff makes claims brought under the California Unfair Competition Laws (Business & Professions Code §§17200, *et seq.*). Each defendant has sufficient minimum contacts with California, is a citizen of California, or otherwise intentionally avails itself of the California market or by having a facility located in California so as to render the exercise of jurisdiction over it by the California courts consistent with traditional notions of fair play and substantial justice.

20. Venue in this county is proper pursuant to Business and Professions Code 17203 because this Court is a court of competent jurisdiction, numerous members of the general public reside in the County, defendants conduct substantial business in this county and/or defendants' liability arose in part in this County, and the acts upon which this action is based occurred in or were intended to have an impact, and, in fact, had an impact in Los Angeles County. Venue in this case is also based upon California Code of Civil Procedure section 395 in that the conduct of defendants which forms the basis of this action occurred in the County of Los Angeles and at least one of the defendants has its principal place of business in the County of Los Angeles.

COMMON ALLEGATIONS

21. In 1996, the State of California enacted AB 1890, codified as Pub. Util. Code §§330 *et seq.*, restructuring its electricity industry with the intent of providing California consumers and businesses with reliable supplies of electricity at competitive prices. California's deregulation plan envisioned that by removing a critical portion of wholesale generating capacity for the California electricity market from the utilities' control, and placing it into that of several "competitors," competitive market forces would attract new sources of power and lower the price of electricity.

22. The intent of energy deregulation was to increase competition in the energy market and lower the prices paid by consumers. The vision of a competitive energy market was never realized. Instead, defendants and their co-conspirators used deregulation as an opportunity to employ fraudulent and false means with the intent to manipulate the natural gas and electricity markets in California and extract unconscionable profits. Upon the deregulation of the power industry in California, defendants herein devised and conspired to engage in a variety of fraudulent, unfair and unlawful schemes with the intent of artificially inflating the price of natural gas and electricity rates.

23. In California, natural gas has been the primary fuel used to generate electricity. Therefore, in California's energy market, published natural gas price indexes are an important component of retail gas and electricity rates. Electric and gas rates, as well as the consumer bills that result from those rates, have largely been based on, and influenced by, published gas indexes.

24. Platts, a subdivision of The McGraw-Hill Companies, publishes *Gas Daily* and *Inside FERC Gas Market Reports*. These publications compile pricing and volume information regarding natural gas transactions. Platts reportedly develops its natural gas index through interviews or through correspondence with various market participants, e.g., generators and traders. Platts receives price and volume information which is then compiled and disseminated via *Gas Daily* and *Inside FERC Gas Market Reports*. Publisher Defendants represent that they report natural gas information in an impartial and accurate manner, and Publisher Defendants know that the information published in *Gas Daily* and *Inside FERC Gas Market Reports* is relied upon as being true and accurate, and

that these indexes are used to price natural gas and strongly influences California electricity rates.

25. In fact, the natural gas prices paid by Californians are directly linked to the published indexes, including *Gas Daily* and *Inside FERC Gas Market Reports*. Many of the actual gas contracts signed by the utilities for residential and commercial consumers contain pricing terms that are directly driven by or otherwise linked to theses published indexes. In this way, the cost of gas, as reported and published by Publisher Defendants gets passed on to California ratepayers. Therefore, if the indexes are artificially or fraudulently inflated, ratepayers will, in turn, pay falsely inflated prices for gas and electricity.

26. The pricing system for natural gas presents significant incentive to market participants, including defendants, to deliberately misreport or otherwise artificially inflate natural gas prices. Because natural gas is the fuel input for the electricity generators that set the market price in California, unscrupulous traders, for example, could manipulate the natural gas price indexes in order to increase the profitability of their electricity positions. Traders could simply overstate natural gas prices to the reporting firms, which in turn publish price data that incorporates the overstated prices. Misreported gas prices would then become part of the price formation process and adversely affect the true market price of gas and electricity. The end result is artificially high profits, because artificially high costs have been passed along and paid by the consumer.

27. Defendants, and each of them, engaged in a variety of false and fraudulent means or devices for the purpose of affecting the market price of natural gas and retail electric rates. Defendants individually, and in combination with one another, reported artificially or fraudulently inflated gas prices in the natural gas price indexes, including *Gas Daily* and *Inside FERC Gas Market Reports,* with the intent of affecting the market price of natural gas and electricity in California.

28. One of the means employed by defendants, and each of them, to artificially inflate the gas prices reported through the natural gas price indexes, including *Gas Daily* and *Inside FERC Gas Market Reports,* is the deliberate reporting and publication of false price and volume information related to natural gas transactions. Defendants, and each of them, individually and in concert with other named defendants herein conspired to, and did, falsely report natural gas price

and volume information, which was published in the natural gas indexes, including *Gas Daily* and *Inside FERC Gas Market Reports*. This false price and volume information was meant to affect the market price of natural gas and affect the market price of electricity. Defendants, and each of them, profited as a result of their unlawful and fraudulent conduct.

29. "Wash trading" is another false and fraudulent device employed by defendants, and each of them, to create artificially high index prices, which are reported and published in the natural gas indexes, including *Gas Daily* and *Inside FERC Gas Market Reports*. "Wash trades" are transactions that give the appearance of sales and purchases, but which are initiated without the intent to make a bona fide transaction and which generally do not result in any actual change in ownership or the trader's market position. These false transactions have the effect of increasing the trading volume and the trading price of natural gas. Again, these phoney trades were done with the intent of affecting the market price of natural gas and electricity in California.

30. Further, the natural gas index prices at key gas delivery points drive the price of California gas pipeline capacity. The value of pipeline capacity is based on the difference between prices for natural gas at various receipt points and delivery points, as reported in the indexes, including *Gas Daily* and *Inside FERC Gas Market Reports*. By causing false information to be published regarding the price of natural gas, the price of shipping the gas over pipeline systems is distorted and the value of capacity holding by shippers is affected. The falsely inflated value given to transporting the gas can then be passed through to the retail consumers. Defendants, and each of them, caused false and fraudulently inflated values to be reported in the natural gas indexes, including *Gas Daily* and *Inside FERC Gas Market Reports* with the intent to affect the market price of natural gas and electricity in California.

31. Publisher Defendants acquised, aided in, conspired and combined with the Market Participant Defendants to report false and fraudulent natural gas price and volume information through *Gas Daily* and *Inside FERC Gas Market Reports* with the intent to affect the market price of natural gas and electricity in California.

32. Publisher Defendants were charged with the duty to provide impartial reporting of natural gas prices and held themselves and their natural gas indexes out as impartial and accurate

providers of natural gas price and volume information. Further, Publisher Defendants knew that *Gas Daily* and *Inside FERC Gas Market Reports* were indexes relied upon in California to determine the price of natural gas and electric rates. Despite this knowledge, and their representations, these defendants conspired with the other defendants named herein, to knowingly report false and fraudulent information, and employed absolutely no means to verify gas price information given them by the Market Participant Defendants.

33. The defendants' combination to fraudulently report false natural gas price information with the intent to affect the market price of natural gas and electricity caused, or substantially contributed to cause, a power crisis in the State of California. The Governor of the State of California directed the State Department of Water Resources ("DWR") to enter into contracts and arrangements for the purchase of electric power as necessary to assist in mitigating the effects of the energy crisis. The State of California, through the DWR has been forced by the defendants' unlawful actions to repeatedly purchase power at prices substantially above competitive levels in violation of California's competitive bidding requirements. Under these circumstances, plaintiffs have the right to proceed under the California Public Contract Code section 10421.

34. To cover the costs of charges, the electric rates of the people of California were substantially and repeatedly increased. Unless the defendants are required to reimburse the State of California or the general public, the excessive prices paid for power as a result of defendants' unlawful, fraudulent and unfair conduct, will cause California consumers irreparable harm.

35. It is to recover the overcharge caused by defendants upon the State of California and the general public that plaintiffs bring this action on behalf of the people of the State of California as taxpayers and on behalf of the general public. Any demand for the DWR to take action in this matter would by unavailing. The DWR knows the underlying facts and has failed or refused to take action.

36. All defendants named herein committed fraud on California for the sake of fattening their profit margins. The wrongful actions of defendants, and each of them, caused massive harm and injury to the plaintiff, plaintiff class, the State of California and the general public.

CLASS ACTION ALLEGATIONS

37. Plaintiff Cruz Bustamante brings this action on his own behalf and on behalf of all other persons similarly situated pursuant to §382 of the California Code of Civil Procedure (the "Class") against defendants. The Class is comprised of all California consumers of natural gas and/or electricity since 1999.

38. The Class is sufficiently numerous, as it includes millions of persons who have purchased retail electricity and/or natural gas throughout California. Thus, joinder of such persons in a single action is impracticable. The disposition of the Class members' claims in this class action will substantially benefit both the parties and the Court.

39. There is a well-defined community of interest in the questions of law and fact involved in this action and affecting the parties. These common questions of law and fact substantially predominate over any questions that may affect only individual Class members. Among these common questions of law and fact are:

(a) Whether defendants and their co-conspirators participated in, committed, and/or are responsible for the conduct complained of;

(b) Whether the alleged conduct violated Business & Professions Code sections 17200, *et seq.*;

(c) Whether the alleged conduct was in violation of criminal law, California Penal Code sections 395;

(d) Whether plaintiff and Class members are entitled to damages or restitution and the appropriate measure of such damages or restitution; and

(e) Whether plaintiff and Class members are entitled to declaratory or injunctive relief and/or an order requiring disgorgement of all ill-gotten monies.

40. By having purchased electricity and/or natural gas at rates in excess of what they would have paid had the electricity and/or natural gas been purchased in the absence of defendants' unlawful conduct, all Class members have been subjected to the same wrongful conduct.

41. Plaintiff asserts claims that are typical of the claims of the entire Class. Plaintiff will fairly and adequately represent and protect the interests of the other Class members and has no interests antagonistic to those of other Class members. Plaintiff is committed to the vigorous prosecution of this action and has retained counsel experienced in litigation of this nature to represent them.

42. Proceeding as a class action provides substantial benefits to both the parties and the Court because this is the most efficient method for the fair and efficient adjudication of the controversy. Class members have suffered and will suffer irreparable harm and damages as a result of defendants' wrongful conduct. Because of the nature of most of the individual Class members' claims, few, if any, could otherwise afford to seek legal redress against defendants for the wrongs complained of herein, and a class action is therefore appropriate, the superior method of proceeding, and essential to the interests of justice insofar as the resolution of the Class members' claims. Absent a representative class action, Class members would continue to suffer losses for which they would have no remedy and defendants would unjustly retain the proceeds of their ill-gotten gains. Even if separate action could be brought by individual members of the Class, the resulting multiplicity of lawsuits would cause undue hardship and expense for the Court and the litigants, as well as create a risk of inconsistent rulings which might be dispositive of the interests of the other Class members who are not parties to the adjudication and/or may substantially impede their ability to protect their interests.

CAUSES OF ACTION

FIRST CAUSE OF ACTION

(Violation of California Penal Code Section 395)

(Plaintiffs Assert This Cause of Action Against All Defendants)

43. Plaintiffs reallege and incorporate all paragraphs of this Complaint as if fully set forth herein.

44. Defendants, and each of them, willfully published false statements, and/or employed false and fraudulent means and devices with the intent to affect the market price of

natural gas and retail electricity in California. Such conduct constitutes a violation of California Penal Code Section 395.

45. Business & Professions Code section 17203 prohibits the commission of any "unlawful" business act or practice. Defendants' violation of Penal Code Section 395 also violates Business & Professions Code Section 17203's proscription against engaging in "unlawful" business acts and practices.

46. Wherefore, plaintiffs pray for judgment and relief against defendants as set forth in the Prayer for Relief.

SECOND CAUSE OF ACTION

(Fraudulent and Unfair Business Acts or Practices in Violation of Business and Professions Code section 17200, *et seq.*)

(Plaintiffs Assert This Cause of Action Against All Defendants)

47. Plaintiffs reallege and incorporate all paragraphs of this Complaint as if fully set forth herein.

48. Business & Professions Code section 17203 prohibits the commission of any "unfair" or "fraudulent" business act or practice.

49. The acts and practices of defendants as alleged herein, acting in combination with one another and/or each defendant acting unilaterally on its own, constitute "unfair" and/or "fraudulent" business acts and practices within the meaning of Business & Professions Code section 17200, *et seq.*, in that their conduct is unfair, fraudulent, immoral, unscrupulous or offends public policy, and as the gravity of the conduct detailed in the complaint outweighs any benefits attributable to such conduct. Defendants, and each of them, engaged in shameless profiteering at the expense of California consumers.

50. Wherefore, plaintiffs pray for judgment and relief against defendants as set forth in the Prayer for Relief.

THIRD CAUSE OF ACTION

(Civil Conspiracy)

(Plaintiffs Assert This Cause of Action Against All Defendants)

51. Plaintiffs reallege and incorporate all paragraphs of this Complaint as if fully set forth herein.

52. Defendants, and each of them, agreed and conspired with another to knowingly report false and fraudulent natural gas price and volume information through the natural gas indexes, including *Gas Daily* and *Inside FERC Gas Market Reports,* for the purpose of manipulating the market price of natural gas and electricity for their own financial gain, and in violation of Penal Code section 182..

53. Pursuant to their agreements, Defendants, and each of them, participated in reporting false and fraudulent natural gas price and volume information for the purpose of affecting California's natural gas and electricity markets, in violation of Penal Code section 395.

54. Further, Defendants and each of them made false and fraudulent representations regarding natural gas price information, which Defendants and each of them caused to be published, and which Defendants knew would be reasonably relied upon.

55. Wherefore, plaintiffs pray for judgment and relief against defendants as set forth in the Prayer for Relief.

FOURTH CAUSE OF ACTION

(Aiding and Abetting)

(Plaintiffs Assert This Cause of Action Against All Defendants)

56. The plaintiff realleges and incorporates by reference all prior paragraphs of this Complaint as though fully set forth herein.

57. Defendants, and each of them, had knowledge of the facts which constitute fraud by active concealment and fraud by misrepresentations and omissions in reporting false and

fraudulent natural gas price and volume information through the natural gas indexes, including *Gas Daily* and *Inside FERC Gas Market Reports,* with the intent to manipulate the market price of natural gas and electricity.

58. Defendants, and each of them, substantially assisted every other defendants' fraud by active concealment and fraud by misrepresentations and omissions. Defendants substantially assisted each others' fraud and deceit by conducting the wrongful acts herein and incorporated by reference.

59. As a result of the defendants' aiding and abetting fraud and deceit, the plaintiff, plaintiff class, State of California and general public suffered damages, together with interest thereon, in an amount to be determined at trial.

PRAYER FOR RELIEF

WHEREFORE, judgment and relief against defendants is prayed for as follows:

1 That the Court issue an order declaring that defendants have violated provisions of the California Business & Professions Code section 17200, *et seq.*;

2. That the Court order defendants to immediately cease all acts of unfair, unlawful, and fraudulent competition and enjoin defendants from continuing to conduct business via the unlawful and unfair business acts or practices as described herein;

3. That the Court order defendants to pay restitution to restore all funds acquired by means of any act or practice declared by this Court to be an unlawful, unfair or fraudulent business act or practice;

4. That the Court issue an Order requiring the defendants to disgorge all profits acquired by means of any act or practice by this Court to by an unlawful, unfair or deceptive business act or practice;

5. For an award of civil fines as allowed by law;

6. For an award of interest as allowed by law;

7. That the Court order defendants to notify all retail purchasers of electricity and natural gas of the pendency of the claims set forth in this action for the purpose of providing relief to such purchasers;

8. For compensatory damages;

9. For an award of punitive damages;

10. For an award of reasonable costs of suit and attorneys' fees; and

11. For any such other and further relief as may be just and proper.

JURY DEMAND

Plaintiff hereby requests a jury trial to the extent permitted by law.

DATED: November 19, 2002

KIESEL, BOUCHER & LARSON, LLP

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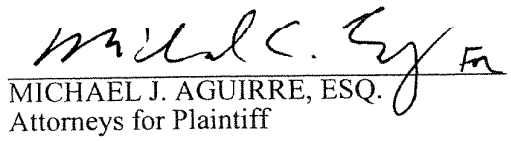

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