

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

FILED IN THE DISTRICT COURT
OKLAHOMA COUNTY, OKLA.

MAY 29 2009

PATRICIA PRESLEY, COURT CLERK
by _____
DEPUTY

STATE OF OKLAHOMA, ex. rel.,)
W.A. DREW EDMONDSON,)
ATTORNEY GENERAL OF OKLAHOMA,)
)
Plaintiff,)
)
v.)
)
BP AMERICA INC., BP CORPORATION)
NORTH AMERICA INC., BP PRODUCTS)
NORTH AMERICA INC., BP AMERICAN)
PRODUCTION COMPANY,)
)
Defendants.)
_____)

Case No. CJ-2009-5001

PETITION

Plaintiff W.A. Drew Edmondson, the Attorney General of Oklahoma, by and through his undersigned attorneys, brings this action for penalties, injunctive relief, revocation of authorization to do business, and/or a constructive trust or sequestration of assets, and for other relief pursuant to the common law and the consumer protection laws of the state of Oklahoma against Defendants BP America Inc., BP Corporation North America Inc., BP Products North America Inc., and BP American Production Company (collectively "Defendants" or "BP"). For his Petition against Defendants, the Attorney General alleges the following:

INTRODUCTION

1. This case is about Defendants' unfair and deceptive acts in attempting to manipulate and manipulating the commodities markets for propane during the period from 2003 until June 2006, with the effect of increasing prices in Oklahoma for propane.

2. Employees of BP, commonly referred to as traders, in the course and scope of their employment, with the knowledge and consent of BP, and in order to benefit BP and themselves, engaged in the unfair and deceptive practice of manipulating propane prices in connection with the trading of energy futures on commodity trading markets. BP's wrongful actions included acquiring and hoarding short term supplies of propane on which consumers rely for basic needs, resulting in increased consumer prices for this commodity and in a profit for BP.

3. BP committed the deceptive and unlawful acts alleged herein with knowledge that they would injure Oklahoma and U.S. consumers of propane. In pursuing the unfair and deceptive acts, BP inflicted harm on consumers in the state of Oklahoma, compromised the integrity of the propane markets, and knowingly and willfully violated Oklahoma state law, and as a result amassed multi-million dollar illegal profits.

4. In connection with the illegal acts alleged herein, a leading BP trader has pled guilty to a federal offense of market manipulation. BP has also recently settled multiple class action lawsuits, as well criminal investigations with the Department of Justice, arising from the same illegal conduct. The class action lawsuits settled for approximately \$52 million in class relief for a class of direct propane purchasers. The Department of Justice settlement involved, *inter alia*, a \$53 million payment in restitution to consumers. An indirect purchaser lawsuit remains pending in the District Court for the Northern District of Illinois. Notably, none of these settlements or actions involves any substantial relief for Oklahoma consumers or any penalties, sequestration of assets or other relief sought in this action.

5. BP has admitted that (1) from February 4, 2004 through March 12, 2004 its employees conspired to manipulate the February 2004 propane market for propane transported in

the TEPPCO pipeline system ("TET Propane"); (2) its employees used the financial resources of BP to buy contracts for substantially all of the February 2004 TET propane supply to become the dominant owner, or "long holder," of TET propane; (3) its employees thereafter withheld propane supply from the market while continuing to purchase contracts to own more than the supply of TET propane during February 2004; and (4) BP's dominant ownership position, continued purchases of propane, and withholding of supply all distorted and made artificial the price of TET propane.

6. BP's acts alleged herein constitute unfair or deceptive trade practices and are therefore violations of Oklahoma's consumer protection laws. BP's unfair and deceptive acts include all sales of propane in Oklahoma or to Oklahoma consumers or businesses affected by the increases in price resulting from the manipulations by BP and its affiliates.

7. The effect of BP's illegal actions with respect to propane prices in Oklahoma in February 2004 is illustrated in Appendix 1 to this Petition. This is the same effect on propane prices that can be observed in numerous other states during this same period of the illegal manipulation, as is illustrated in Appendix 2 to this Petition. Nonetheless, in giving notice of the direct purchaser settlement to the Office of the Attorney General for the State of Oklahoma, attorneys for BP stated to the Attorney General, contrary to the facts, that "it is unlikely that class members in [Oklahoma] have suffered cognizable" damages.

PARTIES

8. Plaintiff W.A. Drew Edmondson is the Attorney General of the state of Oklahoma. Oklahoma's consumer protection laws charge him with the duty to investigate and prosecute claims against businesses that engage in unfair and deceptive trade practices and unfair

methods of competition. Plaintiff brings this action as an arm or alter ego of the state of Oklahoma in its sovereign capacity to vindicate public rights.

9. Defendant BP America Inc. ("BP America") is a wholly owned subsidiary of BP plc, a major international energy company headquartered in London, England. BP America is a holding company incorporated under the laws of Delaware and is headquartered in Warrenville, Illinois. BP plc has \$41 billion in fixed American assets and sells 1.7 million barrels of product per day in the United States.

10. Defendant BP Corporation North America Inc. ("BP North America") is a wholly owned subsidiary of BP America. BP North America is located in Warrenville, Illinois. BP North America is registered to do and/or is doing business in the state of Oklahoma, with a registered address of 115 SW 89th Street, Oklahoma City, Oklahoma 73139-8511.

11. Defendant BP Products North America Inc. ("BP Products") is a wholly owned subsidiary of BP America. BP Products is the largest supplier of natural gas liquids (NGL), including propane, in North America. BP Products also owns, wholly or in part, 24 oil refineries; its global share of processing capacity is 3.5 million barrels a day. Of those 24 refineries, five are in the United States, with processing capacity of 1.5 million barrels a day. BP Products is registered to do and/or is doing business in the state of Oklahoma, with a registered address of 115 SW 89th Street, Oklahoma City, Oklahoma 73139-8511.

12. Defendant BP American Production Company ("BP American Production") is an indirect subsidiary of BP America. BP American Production is registered to do and/or is doing business in Oklahoma, with a registered address of 735 1st National Building, Oklahoma City, Oklahoma 73102.

JURISDICTION AND VENUE

13. This Petition is filed and brought under the jurisdiction of this Honorable Court pursuant to the provisions of the Consumer Protection Act, 15 O.S. § 751 *et. seq.* and the common law of this state.

14. The Attorney General's standing to bring this action is conferred by 15 O.S. §§ 756.1 and 761.1 and 74 O.S. § 18b(A)(3).

15. Jurisdiction over the Defendants comports with the requirements imposed by the United States Constitution, the Constitution of the state of Oklahoma, and Oklahoma's long-arm statute, 12 O.S. § 2004(f).

16. No federal jurisdiction exists because no claim alleged in the Petition arises under any federal law or treaty or the United States Constitution; nor is the Attorney General, as an alter ego of the state of Oklahoma, a citizen for purposes of diversity jurisdiction. This action is also not brought to recover damages or other relief that may be owed any particular individual.

17. Venue is proper in this judicial district pursuant to 12 O.S. § 133 because the Attorney General seeks to recover civil penalties and the causes of action arose, in part, in this county. Further, venue is proper in this judicial district pursuant to 12 O.S. § 137 because one or more Defendants owns property in Oklahoma County.

FACTUAL BACKGROUND

I. THE PROPANE MARKET

18. Propane is a three-carbon alkane produced as a by-product of natural gas processing and petroleum refining.

19. Propane is most frequently used for residential heating in rural areas that are not served by natural gas pipelines. Propane is used to heat thousands of homes in Oklahoma and is used for other personal household uses. Combined with commercial and other uses, propane is a multi-million dollar annual industry in this state.

20. An energy system that is designed to burn propane cannot run on other fuels, so consumers who rely on propane heating as an energy system must purchase propane. Because propane is produced at a relatively steady rate year-round by refineries and gas processing plants, there is no ready source of incremental production when supplies run low. Demand exceeding supply is primarily met by using stored inventories and imports.

21. The term "TET" is an acronym for Texas Eastern Transmission Corporation. The phrase "TET propane" refers to propane that is deliverable at the Texas Eastern Products Pipeline Company ("TEPPCO") storage facility in Mont Belvieu, Texas, or anywhere within the TEPPCO system. The TEPPCO storage facility is the primary source for propane used in residential, commercial, and agricultural heating in many parts of the United States, including in Oklahoma. Only propane within the TEPPCO system (i.e. the storage facility and the pipeline) is TET propane. The total TEPPCO system inventory represents the total available supply of TET propane.

A. Propane as a Commodity

22. TET propane is a commodity that is traded on the New York Mercantile Exchange (NYMEX) and in other, over-the-counter (OTC) commodities markets. The commodity is designated by the month in which it is scheduled for delivery (e.g., "February 2004 TET propane" is propane that is committed for delivery in February 2004).

23. BP engages in commodities trading of TET propane through its NGL Trading Bench in Houston Texas. All of the members of the NGL Trading Bench were employees of BP American Production, reporting to managers and executives of other Defendants.

24. A futures contract is an agreement to buy or sell a commodity, such as propane, at a date in the future. Every aspect of a futures contract traded on the NYMEX is standardized, except the price. In the OTC market, propane trades may be settled through physical delivery or may be settled financially, *i.e.*, through an exchange of money.

25. A “corner” or “squeeze” occurs when an entity acquires and holds a controlling position in a commodity market so that it can command or dictate the price at which it will sell the commodity.

26. Various other persons have acted with, and on behalf of, BP in the illegal conduct alleged herein and have performed acts and made statements in the United States in furtherance of the illegal scheme. Those persons include:

- a. Donald Cameron Byers (“Byers”), the Chief Operating Officer for BP International in April 2003 and February 2004, and the President and CEO of BP’s North America Gas and Power business unit (“NAGP”);
- b. Dennis Abbott (“Abbott”), an employee of BP America and the self-described “second-in-command” on the NGL Trading Bench in February 2004, and was the trading bench leader in Mark Radley’s absence. Abbott traded all NGLs and participated in the execution of BP’s February 2004 propane strategy. On June 28, 2006, Abbott pled guilty to conspiracy for his role in the market manipulation alleged herein;
- c. Martin Marz (“Marz”), an employee of BP America, who was the Compliance Manager for BP’s NAGP during the relevant period;
- d. James Summers (“Summers”), an employee of BP America, who was the Vice President of NGL Trading for BP in February 2004, and reported directly to Byers;

- e. Mark Radley ("Radley"), an employee of BP America, who was the Trading Manager of Natural Gas Liquids Trading for BP in February 2004 and April 2003, and reported directly to Summers;
- f. Cody Claborn ("Claborn"), an employee of BP America, who was the primary trader for TET propane in February 2004, and participated in the execution of BP's February 2004 TET propane strategy.

B. BP Test Ran its Propane Market Manipulation Scheme in April 2003

27. BP and its employees, officers and agents implemented a plan to squeeze the TET propane market by purchasing and hoarding huge amounts of propane, thus reducing the available supply and driving up prices for futures contracts. BP's plan was to make in excess of \$20 million on the futures market by cornering the market for propane.

28. This plan was crafted, approved, and executed and later ratified by senior management of BP.

29. BP initially formulated the plan for cornering the TET propane market and manipulating prices on or about early 2003. The first step in the plan was to conduct what Radley called a "trial run" of the scheme to determine the effect that it would have on the market. The trial run was conducted by BP beginning in April 2003.

30. On or about early 2003, BP's employees, pursuant to directions given to them by Radley, purchased substantial amounts of propane for the purpose of cornering the market and thus artificially increasing the price of April 2003 TET propane.

31. In a taped April 2, 2003 conversation, Abbott, Claborn, and Radley discussed their efforts to corner the market for April 2003 TET propane:

ABBOTT: How does it feel taking on the whole market, man?

CLABORN: Whew. It's pretty big, man.

ABBOTT: Dude, you're the entire [expletive] propane market.

....

RADLEY: That's my fear. People don't cover, don't cover, then the last day they either default or come to us to get them out of it and then *we have to try and basically set a price* that seems fair.

32. From this conversation and other evidence, it is apparent that BP intended to and did horde the supply of April 2003 TET propane so that it could dictate prices to traders who had to acquire propane by the end of the month in order to fulfill obligations on futures contracts.

33. BP used its experience in the April 2003 test run to formulate its market manipulation scheme in February 2004. For example, Radley and Abbott had a taped conversation on February 5, 2004, in which they discussed how much easier it would be to build up a dominant interest in February 2004, than it was in April 2003:

RADLEY: So I think the minimum level might be a little higher than we're assuming based on what we experienced in April. When we squeezed the April-May [market for TET propane].

ABBOTT: Right, which was one of the reasons why it was harder to own all that April [2003 TET propane]...And that's why I think that 2mm, 2.1mm bbls [Note: A "BBL" is a unit of measurement used to denote 1,000 barrels of product] as that minimum in Feb., I think that's real, man, I think that is, that's the bottom at TET.

34. In this conversation, Abbott expressed his belief that BP could horde the entire supply of TET propane (e.g., reach "the bottom" of the TET supply).

C. BP Developed and Fraudulently Concealed Its Propane Market Manipulation Scheme in 2004.

35. On or about early 2004, BP made new plans to corner the propane market. BP once again sought to purchase and horde huge amounts of propane, thus reducing supply and

driving up prices. Once prices spiked, BP would sell its inventory at inflated prices, resulting in a premium.

36. Abbott admitted in his plea agreement and an accompanying factual statement that he and other employees of BP agreed to manipulate the February 2004 TET propane market. Abbott further admitted that prior to taking actions in furtherance of the strategy, he participated in a conversation with Radley in which they agreed that the market corner would permit BP not only to profit from the manipulation but, if successful, they would know BP could “control the market at will” in the future. In a taped February 5, 2004 conversation, Radley told Abbott:

Two things I thought of. One, in terms of whether we should do this or not, in terms of talking to Jim [Summers], what we stand to gain, is not just we'd make money out of it, but we would know from thereafter that we can control the market at will.

37. Prior to implementing the strategy, Radley and Summers met with Marz to obtain approval for the execution of the price manipulation plan and Marz gave his approval.

38. Marz cautioned BP employees to refrain from using certain words in conjunction with the strategy, including the word “squeeze.” For example, in a taped February 9, 2004 conversation with Claborn and Abbott, Radley said, “if we squeeze it in the last four or five days of the month, ahh forgive my French, but ah, you know, it's going to be hard to say what's the fair price of the market at that time.” Radley referred to the word “squeeze” as “French” as if he had cursed by using the word.

39. Internal BP documents expressly describe the unlawful scheme to manipulate the market:

The [trading] bench planned on holding a large portion of existing TET Mont Belvieu propane inventory. It was believed that *the resulting lack of supply at TET would drive up prompt prices*, further widening the spread. The bench

would then liquidate its inventory at higher prompt prices before the end of February.

40. In a March 4, 2004 email to Byers, Summers looked back on the market manipulation scheme and described it this way:

The value expectation of the trade was based on building a sizeable February position, and then selling a portion of that position at the end of February at a premium... Assuming we could have sold 2 million Feb BBL's [N.B: a BBL equals 1,000 barrels], *the profit on the trade would have been around +\$20 million, with potential upside from there.*

41. This and other evidence make it clear that BP set out to purchase and hoard huge quantities of propane (e.g., "holding a large portion," "building a sizeable February position"), thus reducing the supply available (e.g., "lack of supply at TET") and inflating prices (e.g., "drive up prompt prices"). The BP trading bench then planned to sell its supply (e.g., "liquidate its inventory," "selling...at a premium," "selling a portion of that position"), thus making an inflated profit (e.g., "we'd make money out of it," "the profit on the trade would have been around +\$20 million"). It is also clear that BP not only sought to attain illegal profits, but also wanted to gather intelligence regarding its ability to manipulate the propane market at-will in the future (e.g., "know from thereafter that we can control the market at will," "potential upside from there").

D. BP Implemented its Scheme by Hoarding the Supply of Propane.

42. BP's propane traders were instructed to and did manipulate the propane market by acquiring and holding huge quantities of February 2004 TET propane.

43. On or about February 9, 2004, under the direction of senior management, BP traders aggressively purchased 825,000 barrels of February 2004 TET propane. By February 13,

2004, BP controlled 3.2 million barrels of February 2004 TET propane, *an amount in excess of the entire physical supply available in the TEPPCO system.*

44. Between February 17, 2004 and February 20, 2004, BP purchased an additional 1.4 million barrels of February 2004 TET propane.

45. In a taped February 18, 2004 conversation between Abbott and another market participant, Abbott described BP's aggressive purchasing in this way:

TRADER: Jeez, what is y'all's appetite for propane? I mean, it's just like feeding an elephant. You guys aren't really short though, are you? You just got stuff pricing out? You're short pricing or what?

ABBOTT: Um, yeah, we just like it.

TRADER: You dig it, huh?

ABBOTT: I'd call.... I'd call it insatiable right now.

46. In a meeting among senior BP management officials on February 19, 2004, Radley informed Byers, Marz, and Summers that BP's position in February 2004 TET propane exceeded the availability of barrels in the marketplace at that time. Marz met with Radley on several occasions thereafter to discuss BP's propane trading strategy.

47. Nonetheless, BP continued to buy propane on the commodities markets. Between February 20, 2004 and February 22, 2004, BP acquired an additional 450,000 barrels of propane. It continued to purchase and hoard propane throughout the month.

48. In fact, by the end of February 2004, *BP owned 88% of all the propane in the TEPPCO system.*

E. As a Result of BP's Illegal Scheme and Fraudulent Concealment, the Price of Propane Spiked and Oklahoma Consumers were Harmed.

49. Purchasers had virtually no choice but to buy February 2004 TET propane from BP, which had successfully cornered the market. BP used this dominant position to command artificially high prices.

50. A taped conversation held on February 27, 2004, between a broker and Claborn demonstrates that BP dictated the prices at which it would sell propane:

BROKER: Hey. Where's your next one?

CLABORN: Confirm, [Company A] buys 25,000 physical TET Feb. at .8850.

BROKER: Correct...

CLABORN: Next one is .89... .89

BROKER: .89?

CLABORN: Yep.

BROKER: [On other line]89. [To Claborn] Just one second. [On other line] You got one shot at it. [To Claborn] I'm telling people they got one shot at it.

CLABORN: That's it.

BROKER: How's your day going, man? You're done by the way with [Company B].

CLABORN: [Company B] buys 25,000 at .89.

BROKER: .89. Where's your next? 89 and a half?

CLABORN: 89 and a half.

BROKER: All right. [On other line] .89 and a half, next. [To Claborn] Are you just walking them up half a step?

CLABORN: Now.

BROKER: For now, you are...

CLABORN: ... yes.

BROKER: [on other line]... 89 and a half is next, his next offer comes in a penny higher.

51. The manipulated TET propane prices directly affected propane markets in general and in Oklahoma in particular via several channels. For propane, the chief price reporter is the Oil Price Information Service ("OPIS"). OPIS conducts a daily survey of propane trades and reports high, low, and average prices. OPIS prices are regularly used as a basis for propane sales contracts. During the manipulated period in 2004, upward manipulated propane prices inflated the OPIS price index.

52. On February 4, 2004, the Oil Price Information Service (OPIS) average list price for February 2004 TET propane was 63.5625 cents per gallon ("cpg"). As a result of BP's market manipulation, by February 20, 2004, the price was 71.125 cpg. Three days later, on February 23, 2004, it reached 74.6875 cpg. Just one day later, on February 24, 2004, the price jumped to 81.125 cpg. By February 25, 2004, BP had driven the price of propane up to 89.25 cents per gallon, an *increase of over 40%* from its February 4, 2004 price.

53. BP's actions caused propane prices to spike in Mont Belvieu, Texas, the location of TEPPCO's storage facility, as illustrated in Appendix 3, and resulted in an increase in propane prices in many states in the United States, as illustrated in Appendix 2, including in Oklahoma, as illustrated in Appendix 1. By contrast, in the state of Washington, which relies on Alaska as its main source of propane, prices declined during this same time period, as illustrated in Appendix 4.

54. BP's illegal actions with respect to driving up the price of TET propane also had the effect of increasing the diversion of non-TET propane into the TET market, increasing the prices for non-TET propane.

EQUITABLE TOLLING AND FRAUDULENT CONCEALMENT

55. BP affirmatively concealed its actions such that Plaintiff, through ordinary and reasonable diligence, could not have discovered its wrongdoing.

56. For example, as detailed above, Marz cautioned BP employees to refrain from using certain words in conjunction with the strategy, including the word "squeeze." As an additional example, in the taped February 9, 2004 conversation with Claborn and Abbot, Radley said, "if we squeeze it in the last four or five days of the month, ahh forgive my French, but ah, you know, it's going to be hard to say what's the fair price of the market at that time." Radley, referred to the word "squeeze" as "French" as if he had cursed by using the word.

57. Plaintiff could not have known – and did not know – about BP's unlawful actions until 2007, when it became public that BP had been ordered to pay a \$373 million dollar fine related to its unlawful market manipulation of propane.

58. Plaintiff could not have discovered the existence of the manipulation alleged herein at an earlier date by the exercise of reasonable due diligence because of the deceptive practices and techniques of secrecy employed by BP to avoid detection and affirmatively conceal the manipulation.

59. Despite the existence of such manipulation, and despite a lawsuit filed by the CFTC, BP publicly denied engaging in its manipulation until it entered a deferred prosecution agreement in October 2007.

60. Plaintiff, in the exercise of reasonable diligence, also could not have uncovered the violations set forth in this Petition at any earlier time because BP's conspiracy and scheme were self-concealing. Plaintiff was unable to detect this secret activity which by its nature is self-concealing until it was disclosed publicly by the Government.

61. BP actively, intentionally, and fraudulently concealed the existence of the manipulation alleged herein by one or more of the following affirmative acts, including acts in furtherance of the conspiracy:

- a. Secret meetings and telephone calls concerning the manipulation;
- b. Creating a false and misleading appearance of competition in the marketplace;
- c. Representing the transactions at issue in this Petition as legitimate ;
- d. Limiting knowledge and execution of the unlawful plan to a small number of people and key officials and misrepresenting the reasons for unlawful conduct;
- e. Falsely representing that prices were fair and competitive.
- f. Falsely stating in a notice dated January 15, 2009 to the Office of the Attorney General that it was unlikely that the manipulation alleged herein caused damage within Oklahoma.

LEGAL CLAIMS

Count I (Consumer Fraud - Deceptive Trade Practices)

62. The Attorney General incorporates the preceding allegations as if fully set forth herein.

63. Pursuant to 15 O.S § 752(13) a “deceptive trade practice” is defined as, “a misrepresentation, omission or other practice that has deceived or could reasonably be expected to deceive or mislead a person to the detriment of that person. Such a practice may occur before, during or after a consumer transaction is entered into and may be written or oral.”

64. BP engaged in deceptive trade practices and acts by entering transactions at inflated prices and committing other acts in which it earned profits as a result of its intentional and willful manipulation of the supply of available propane.

65. BP earned proceeds through illegal means in transactions constituting deceptive trade acts and practices in which it charged artificially high prices for propane as a result of its deceptive conduct in the propane market.

66. The Attorney General brings this claim under 15 O.S. § 751 et. seq, which, *inter alia*, declares as unlawful deceptive trade practices.

67. The Attorney General is further authorized to bring this action under his common law powers as *parens patriae*.

Count II
(Consumer Fraud - Unfair Trade Practices)

68. The Attorney General incorporates the preceding allegations as if fully set forth herein.

69. Pursuant to 15 O.S. § 752(14) an “unfair trade practice” is defined as, “any practice which offends established public policy or if the practice is immoral, unethical, oppressive, unscrupulous or substantially injurious to consumers.”

70. BP engaged in unfair trade practices and acts by entering transactions at inflated prices and committing other acts in which it earned profits as a result of its intentional and willful manipulation of the supply of available propane.

71. BP earned proceeds through illegal means in transactions constituting unfair trade acts and practices in which it charged artificially high prices for propane as a result of its immoral, unethical, oppressive, unscrupulous and injurious conduct in the propane market.

72. The Attorney General brings this claim under 15 O.S. § 751 et. seq, which, *inter alia*, declares as unlawful unfair trade practices.

73. The Attorney General is further authorized to bring this action under his common law powers as *parens patriae*.

Count III
(Unjust Enrichment)

74. The Attorney General incorporates the preceding allegations as if fully set forth herein.

75. BP has failed to make restitution for the profit it received, at the expense of Oklahoma citizens, from the unlawful behavior outlined above.

76. It is inequitable for BP to retain this profit.

77. BP was unjustly enriched by its fraudulent manipulation of the propane market, and charged artificially high prices for propane as a result.

78. The Attorney General brings this claim under the common law, alleging unjust enrichment.

79. The Attorney General is further authorized to bring this action under the common law as *parens patriae*.

PRAYER FOR RELIEF

WHEREFORE, the Attorney General prays for the following declarations and other relief:

- a. That the unlawful market manipulations alleged herein be adjudged and decreed to be unfair and/or deceptive trade practices in violation of 15 O.S. § 751 *et. seq.*;
- b. That Defendants were unjustly enriched as a result of their unlawful practices;
- c. That Defendants be enjoined from continuing, resuming, or replicating the unlawful conduct and schemes alleged herein and other appropriate injunctive relief as authorized by law;
- d. That a master or receiver be appointed or sequestration of assets be ordered, or a constructive trust be established, to prevent the use or enjoyment of proceeds derived through the illegal acts, and that the expenses of a master or receiver be assessed against Defendants;
- e. That Defendants be ordered to pay restitution as authorized by law;
- f. That Defendants be ordered to pay penalties as authorized by law;
- g. That Defendants' license to engage in business in the Oklahoma be revoked or that Defendants be enjoined from engaging in business in Oklahoma;
- h. That the Attorney General, on behalf of the state of Oklahoma, recover his costs of this suit, including reasonable attorneys' fees, as authorized by law; and
- i. That the Attorney General, on behalf of the state of Oklahoma, be granted such other, further and different relief as the nature of the case may require or as may be deemed just and proper by this Honorable Court.

Filed this the 29th day of May, 2009.

RESPECTFULLY SUBMITTED,

**W.A. DREW EDMONDSON
ATTORNEY GENERAL**

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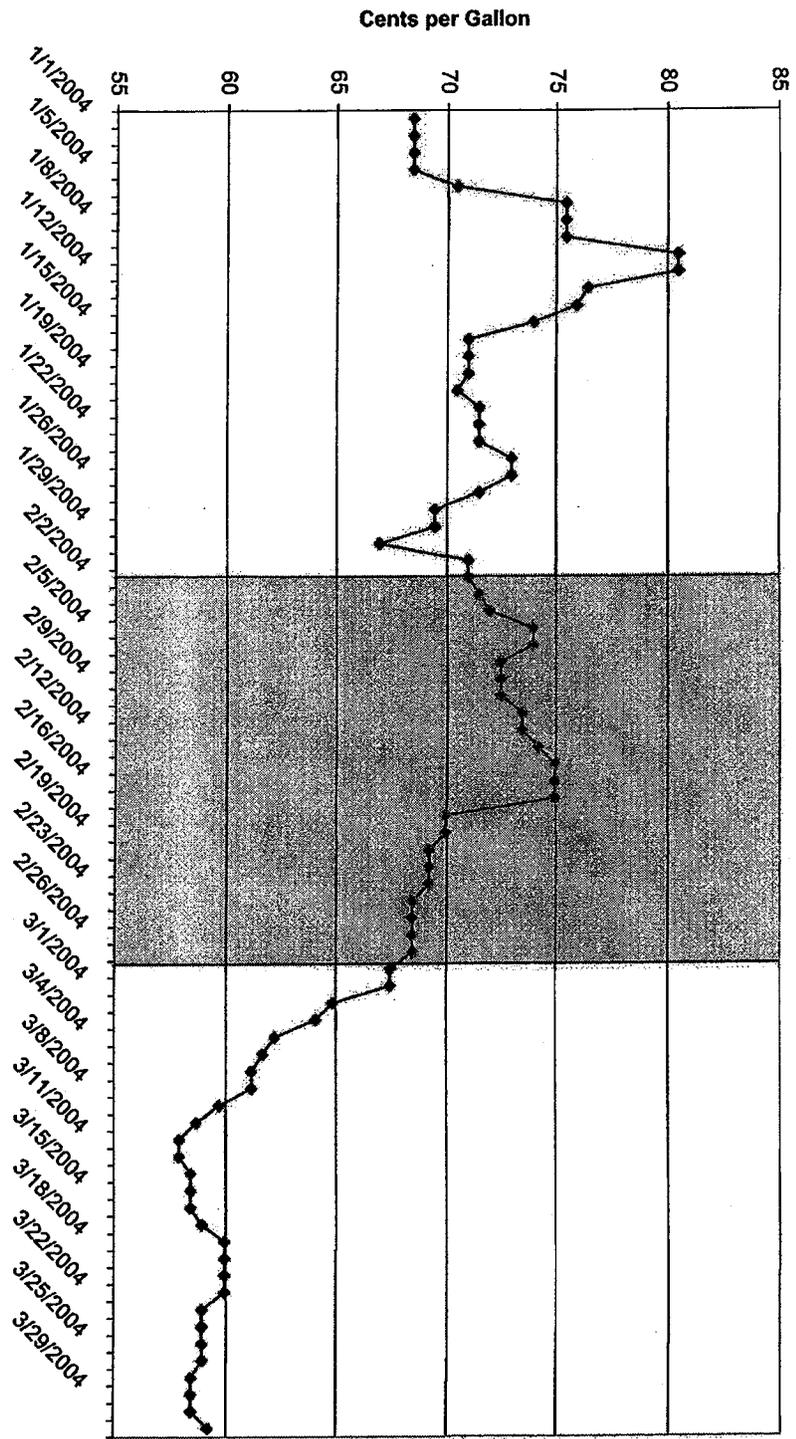
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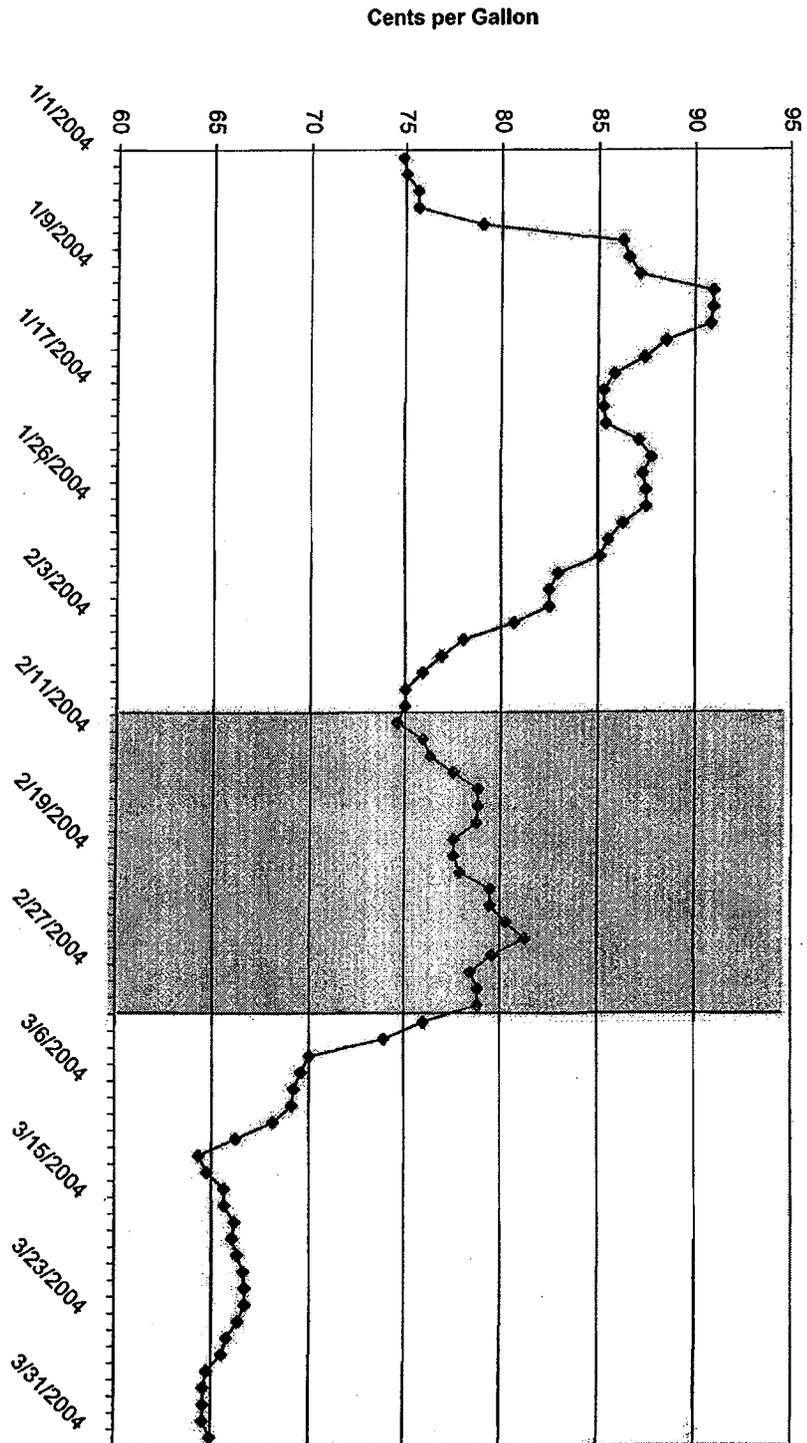
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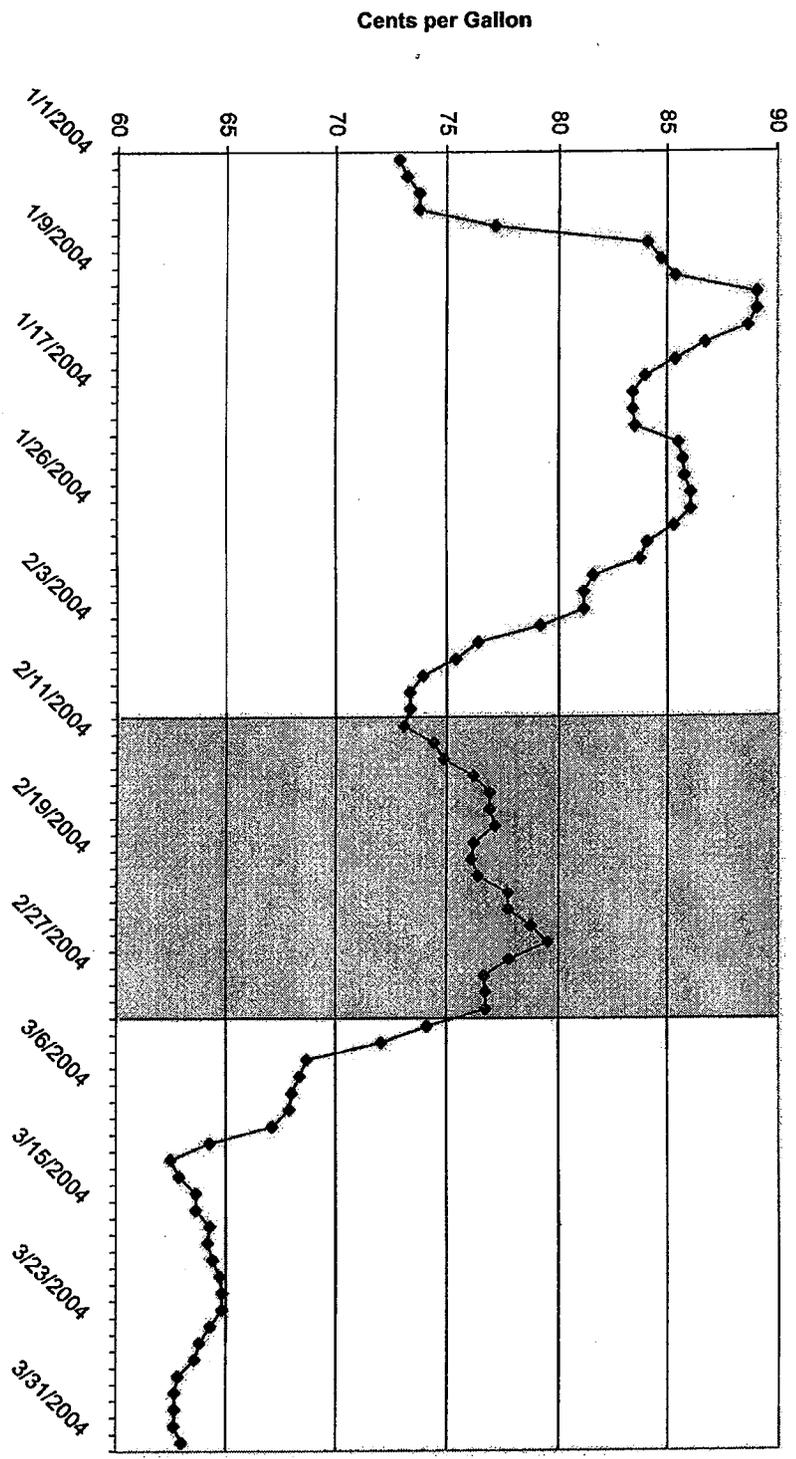
Appendix 1
 Propane Wholesale (Rack) Daily Prices
 Oklahoma State Average
 January 1, 2004 to March 31, 2004



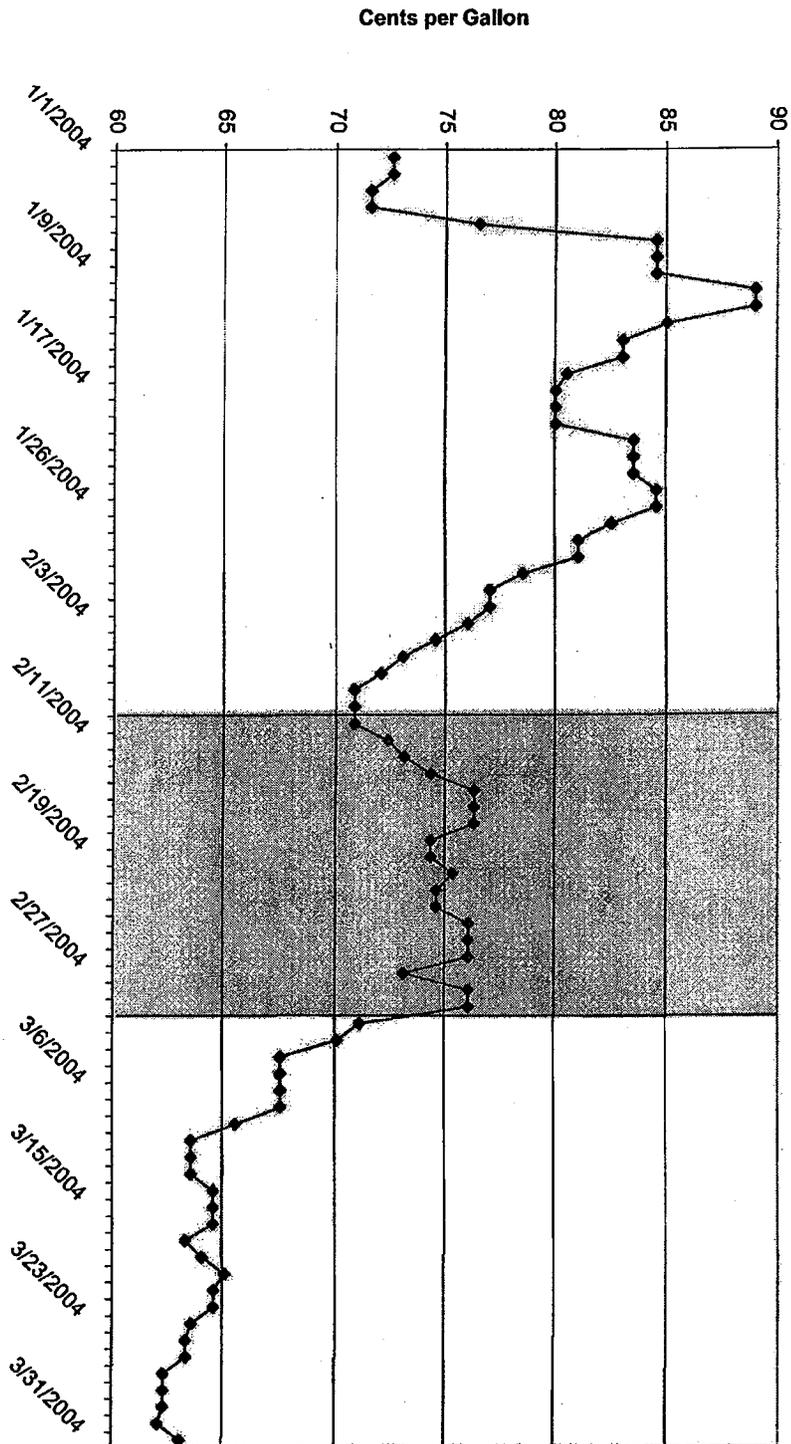
Appendix 2
Propane Wholesale (Rack) Daily Prices
Arkansas Average
January 1, 2004 to March 31, 2004



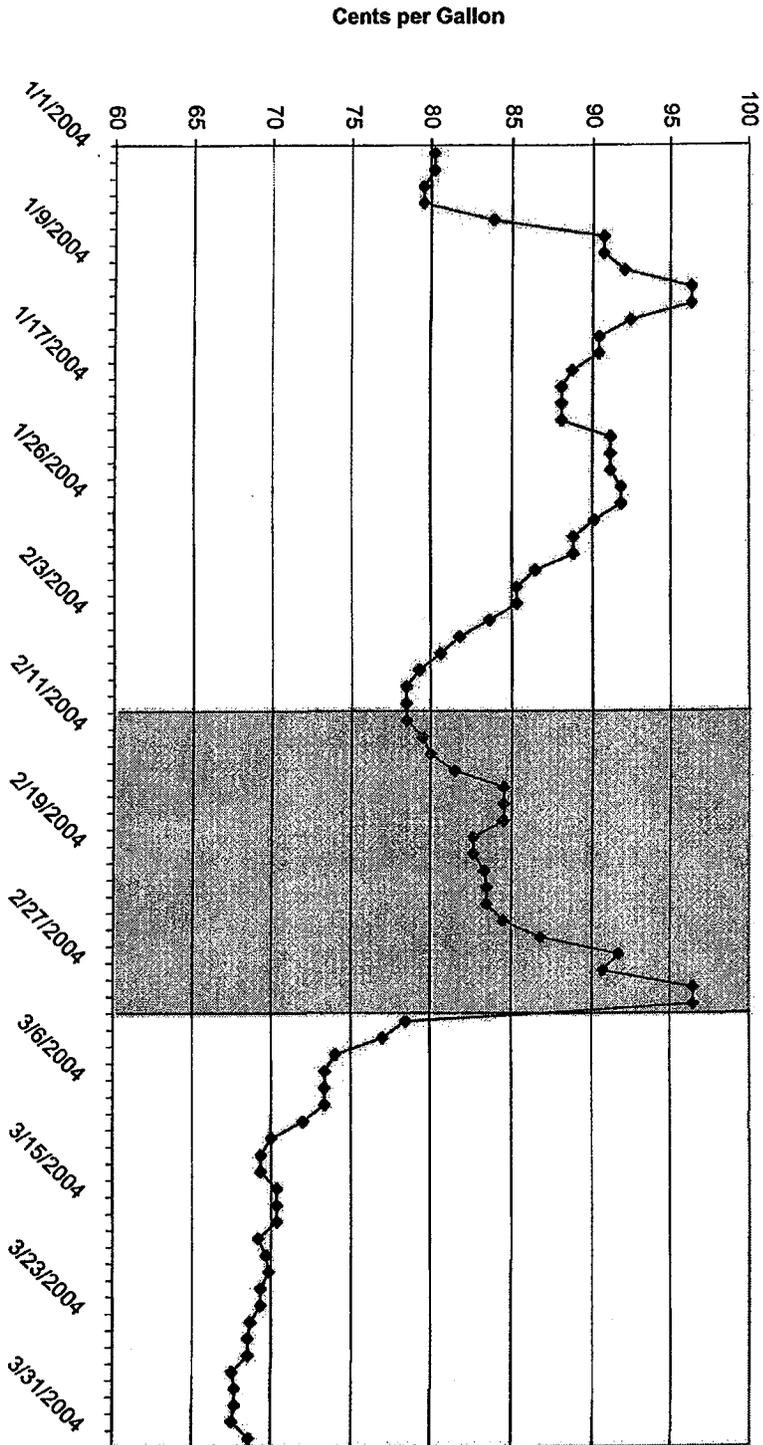
Propane Wholesale (Rack) Daily Prices
Albany, Georgia
January 1, 2004 to March 31, 2004



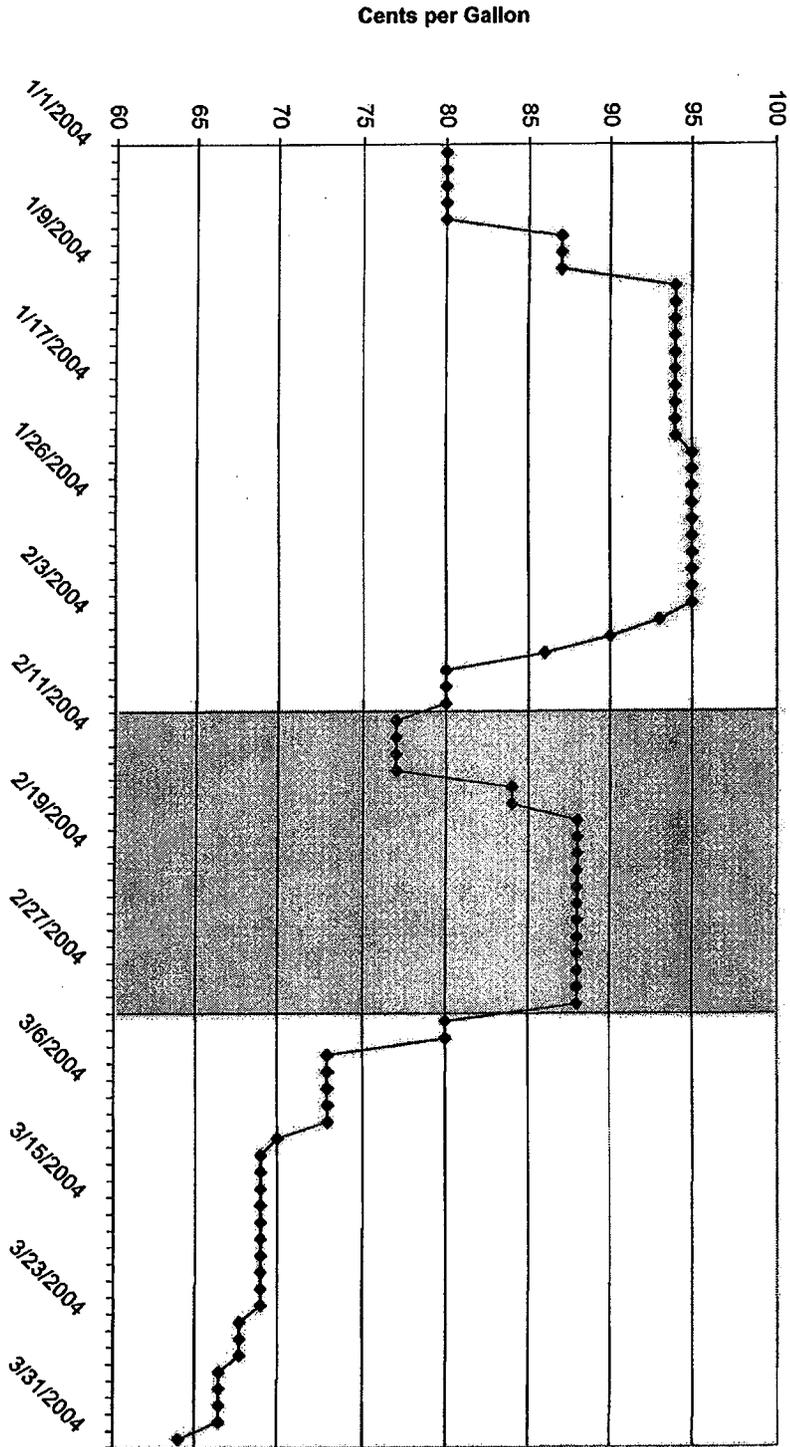
Propane Wholesale (Rack) Daily Prices
Lake Charles, Louisiana
January 1, 2004 to March 31, 2004



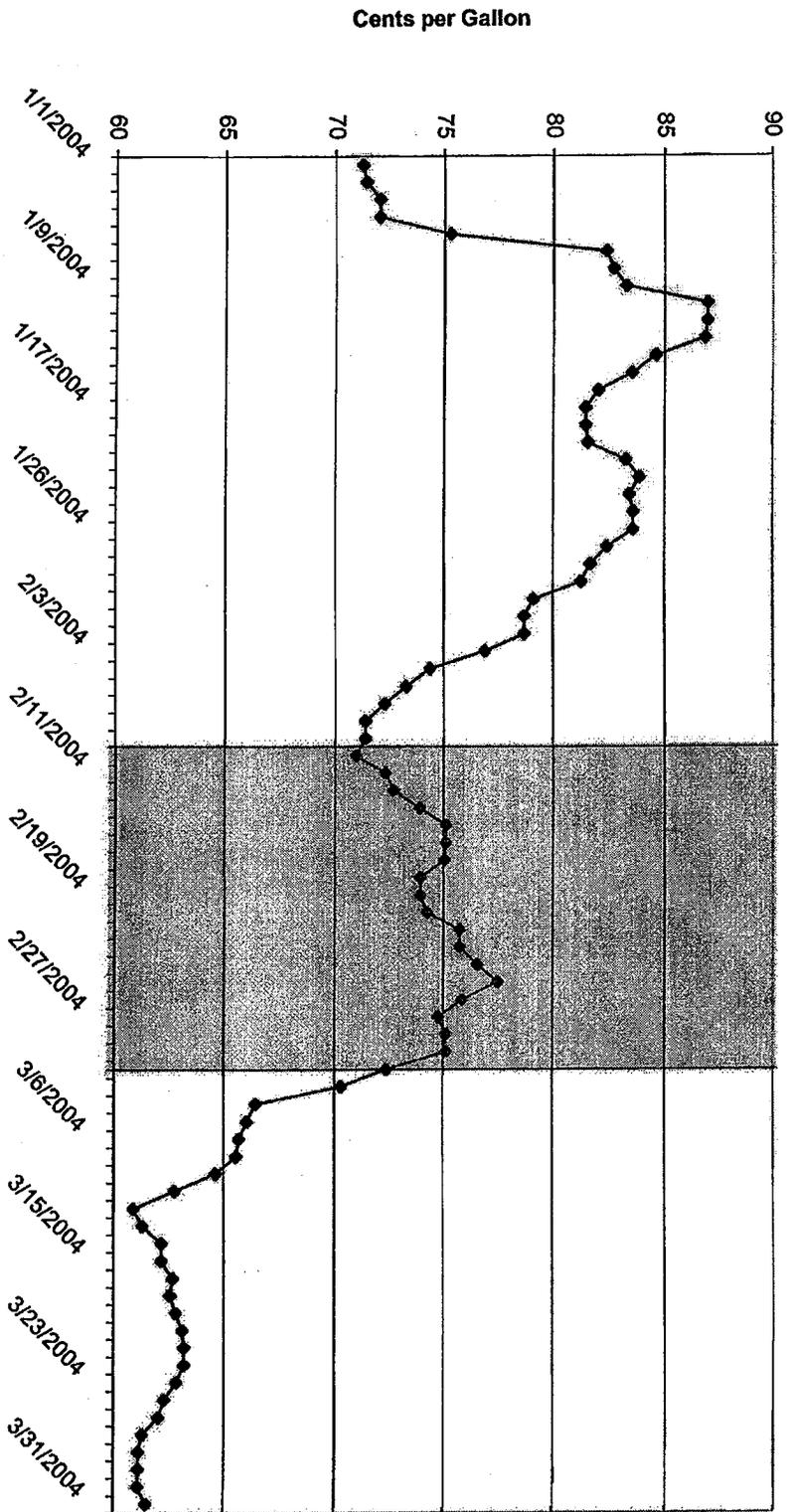
Propane Wholesale (Rack) Daily Prices
 Norfolk/Chesapeake Bay, Virginia
 January 1, 2004 to March 31, 2004



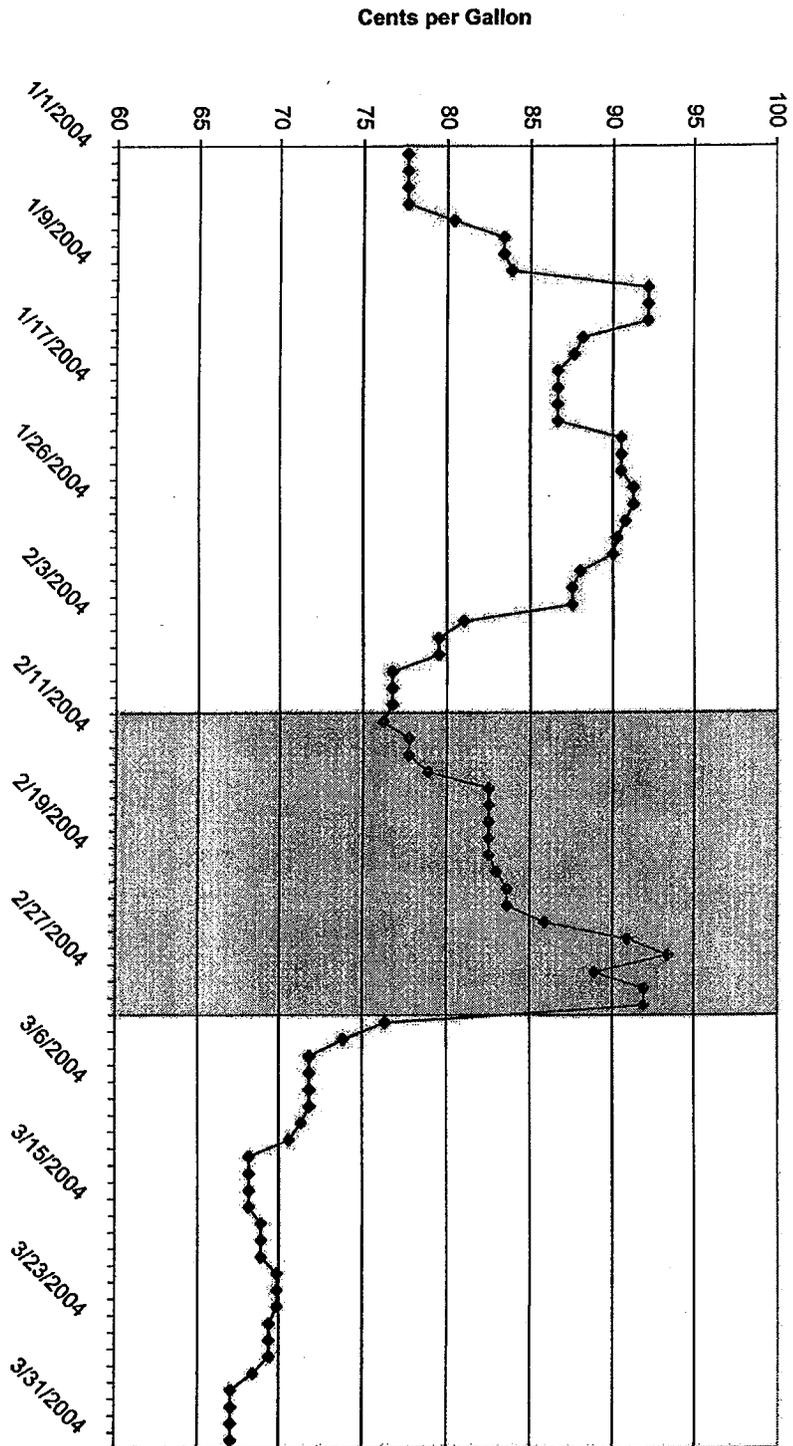
Propane Wholesale (Rack) Daily Prices
 Delaware City, Delaware
 January 1, 2004 to March 31, 2004



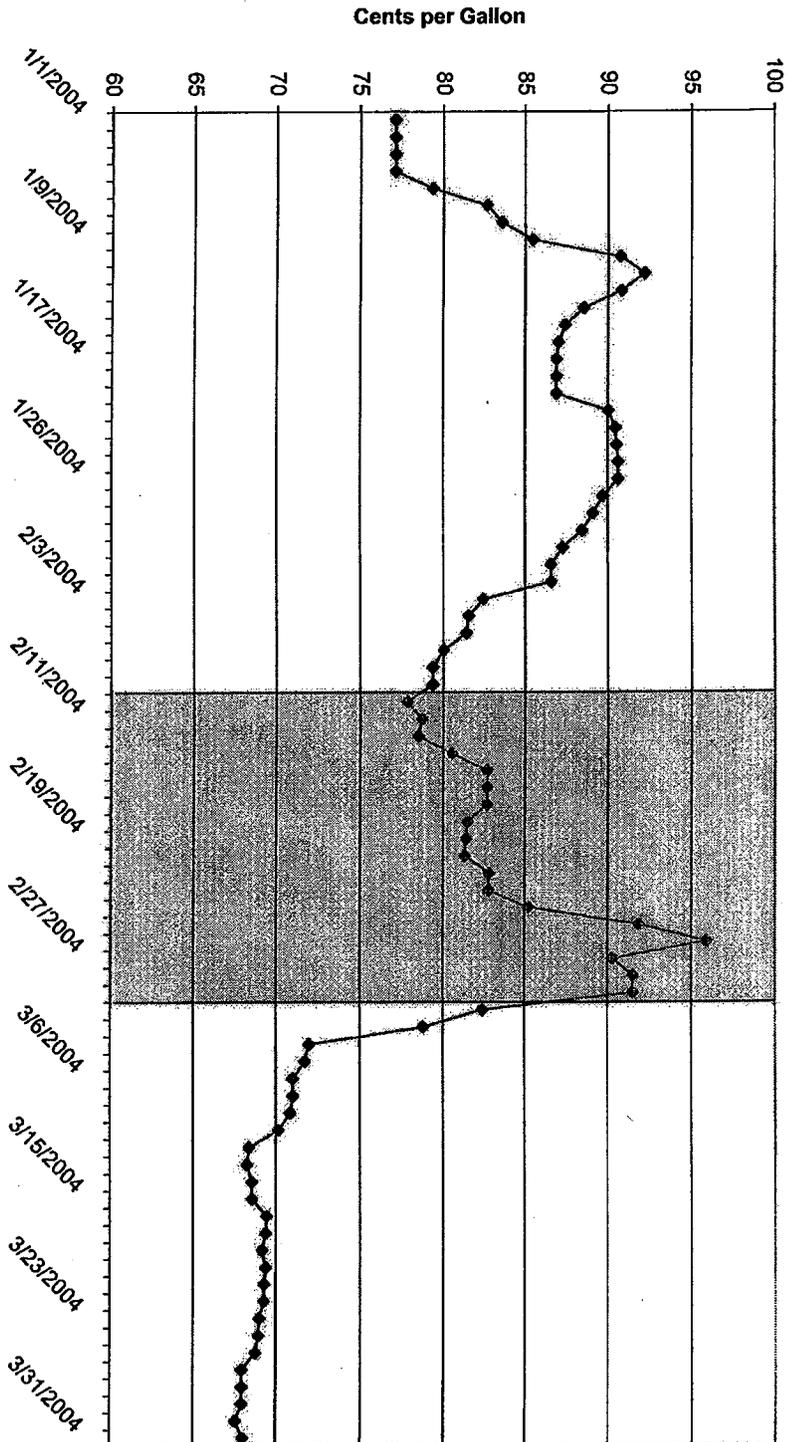
Propane Wholesale (Rack) Daily Prices
Hattiesburg, Mississippi
January 1, 2004 to March 31, 2004



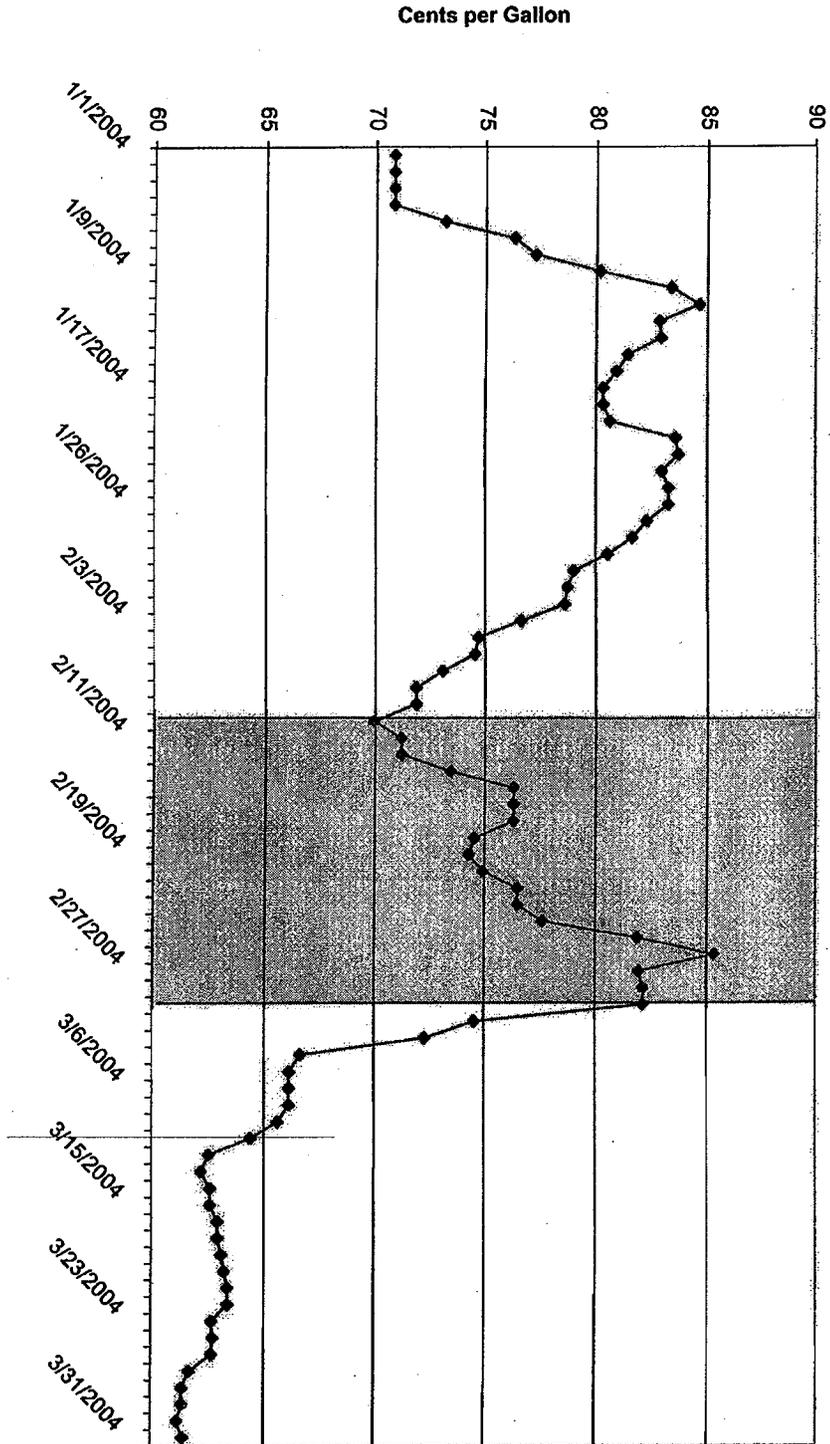
Propane Wholesale (Rack) Daily Prices
 Paulsboro, New Jersey
 January 1, 2004 to March 31, 2004



Propane Wholesale (Rack) Daily Prices
 Watkins Glen, New York (TEPPCO Pipeline)
 January 1, 2004 to March 31, 2004



Appendix 3
 Propane Wholesale (Rack) Daily Prices
 Mont Belvieu, Texas
 January 1, 2004 to March 31, 2004



Appendix 4
 Propane Wholesale (Rack) Daily Prices
 Washington State (Pacific Northwest)
 January 1, 2004 to March 31, 2004

