

**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

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| Fact-Finding Investigation of Potential |) | Docket No. | PA02-2-000 |
| Manipulation of Electric and Natural Gas |) | | |
| Prices |) | | |
| |) | | |
| |) | | |
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AFFIDAVIT OF JAMES AVERY

The State of California

The County of San Diego

James Avery being duly sworn, upon oath, deposes and says:

1. I am Senior Vice President of Electric Transmission of San Diego Gas & Electric Company (“SDG&E”), a subsidiary of Sempra Energy.
2. I have reviewed the Staff’s Data Requests to Sellers of Wholesale Electricity and/or Ancillary Services in the United States portion of the Western Systems Coordinating Council (“WSCC”) During the Years 2000-2001, dated May 21, 2002 (the “May 21, 2002 Data Request”). In response to the May 21, 2002 Data Request, employees of SDG&E, under my supervision and control, diligently conducted a thorough investigation into the trading activities of SDG&E employees and agents in the U.S. portion of the WSCC during the years 2000 and 2001.

3. On behalf of SDG&E, I certify that the response to the May 21, 2002 Data Request provided by SDG&E are true and accurate to the best of my knowledge, information and belief, formed after a thorough investigation was diligently conducted under my supervision and control into the trading activities of SDG&E's employees and agents in the U.S. portion of the WSCC during the years 2000 and 2001.
4. I am informed and believe, and on that basis state that the affiliates and subsidiaries of SDG&E who engaged in trading activities in the U.S. portion of the WSCC during the years 2000 and 2001, are each separately responding to the May 21, 2002 Data Request.

FURTHER, AFFIANT SAYETH NOT.

/s/
JAMES AVERY

SUBSCRIBED AND SWORN to me this 30th day of May, 2002 in the County of San Diego. Witness my hand and official seal. My commission expires:

/s/