

NOTICE OF DETERMINATION OF MARKET ADMINISTRATOR	
Dated:	14 August 2009
Breach notice identifying number:	2009-104
Date of receipt:	13 July 2009
Name of reporting entity:	Allocation Agent
Name of participant that is alleged to have breached the Rules:	Nova Gas (GNVG)
Name/s of other parties to breach notice:	
Rule/s allegedly breached:	Gas (Downstream Reconciliation) Rules 2008 Rule 31.1 Rule 26.2.1
Determination made by market administrator under regulation 18:	<p>In the market administrator's opinion the alleged breaches do raise a material issue. The alleged breaches will therefore be referred to investigation in accordance with regulation 18(3).</p> <p>The market administrator placed particular weight on the following criteria in making its determination:</p> <ul style="list-style-type: none"> • regulation 19(1)(b) - the alleged breaches are unlikely to have had a material impact on the operation of the market • regulation 19(1)(g) - the alleged breaches are denied as Nova Gas considers the Rules do not apply to Nova's private pipelines • regulation 19(1)(o) – the alleged breaches raise a material issue regarding the scope of the Rules and whether Nova Gas is a distributor under the Gas Act