

<b>NOTICE OF DETERMINATION OF MARKET ADMINISTRATOR</b>	
<b>Dated:</b>	1 September 2009
<b>Breach notice identifying number:</b>	2009-109
<b>Date of receipt:</b>	16 July 2009
<b>Name of reporting entity:</b>	Genesis Energy
<b>Name of participant that is alleged to have breached the Rules:</b>	Genesis Energy (GENG)
<b>Name/s of other parties to breach notice:</b>	Energy Direct NZ Limited (EDNZ) Nova Gas (GNVG)
<b>Rule/s allegedly breached:</b>	Gas (Switching Arrangements) Rules 2008 Rule 69.2
<b>Determination made by market administrator under regulation 18:</b>	<p>In the market administrator's opinion the alleged breaches do not raise material issues and the market administrator has decided to take no action on the alleged breaches.</p> <p>The market administrator placed particular weight on the following criteria in making its determination:</p> <ul style="list-style-type: none"> <li>• regulation 19(1)(d) – remedial action was taken, including actively engaging with the other retailer involved to resolve any confusion over the consumers' intentions</li> <li>• regulation 19(1)(g) – the alleged breaches are admitted and Genesis Energy self-reported the alleged breaches</li> <li>• regulation 19(1)(h) – there is no evidence of a systemic problem with compliance</li> </ul>