

<b>NOTICE OF DETERMINATION OF MARKET ADMINISTRATOR</b>	
<b>Dated:</b>	15 September 2009
<b>Breach notice identifying number:</b>	2009-129
<b>Date of receipt:</b>	18 August 2009
<b>Name of reporting entity:</b>	Gas Industry Company Limited
<b>Name of participant that is alleged to have breached the Rules:</b>	Nova Gas (GNVG)
<b>Name/s of other parties to breach notice:</b>	Genesis Energy
<b>Rule/s allegedly breached:</b>	Gas (Switching Arrangements) Rules 2008 Rule 41.1.1 Rule 41.1.2 Rule 41.1.3 Rule 58.1
<b>Determination made by market administrator under regulation 18:</b>	<p>In the market administrator's opinion the alleged breaches do raise material issues. 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"> <li>• regulation 19(1)(g) - the alleged breaches are denied</li> <li>• regulation 19(1)(h) - the alleged breaches may demonstrate a systemic problem with compliance</li> <li>• regulation 19(1)(l) - Nova Gas has indicated its behaviour will continue given its interpretation of the legal requirements</li> <li>• regulation 19(1)(o) - Gas Industry Company and Nova Gas each have different interpretations of the requirements of the Gas (Switching Arrangements) Rules 2008 in relation to Nova Gas' bypass gas gates</li> </ul>