

NOTICE OF DETERMINATION OF MARKET ADMINISTRATOR	
Dated:	22 October 2009
Breach notice identifying number:	2009-128 (2009-128A to 2009-128ZL)
Date of receipt:	13 and 14 August 2009
Name of reporting entity:	E-Gas 2000 Limited (EGAS) or E-Gas Limited (EGLT)
Name of participant that is alleged to have breached the Rules:	Nova Gas Limited (GNVG)
Name/s of other parties to breach notice:	Genesis Energy (GENG)
Rule/s allegedly breached:	Gas (Switching Arrangements) Rules 2008 Rule 78.1 Rule 78.2.2
Determination made by market administrator under regulation 18:	<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> <p><u>In relation to 2009-128 B, ZB, ZC and ZD:</u></p> <ul style="list-style-type: none"> • regulation 19(1)(j) – investigation is no longer desirable • regulation 19(1)(o) – the circumstances of the alleged breaches have been considered by the market administrator in notices of breach 2009-53 (S-GNVG-04006 and 04007), 2009-67 (S-GNVG-05022) and 2009-96 (S-GNVG-06240) <p><u>In relation to 2009-128 A, C to ZA and ZE to ZL:</u></p> <ul style="list-style-type: none"> • regulation 19(1)(a) – the alleged breaches were not severe • regulation 19(1)(c) – Nova Gas did not deliberately breach its obligations, instead it had confirmation from the customers that the

	<p>customers intended to honour contracts with Nova Gas</p> <ul style="list-style-type: none">• regulation 19(1)(d) – remedial action was taken, including sending emails to E-Gas with documentation signed by the customers asking for the switches to occur promptly• regulation 19(1)(e) – the alleged breaches did not have an anti-competitive effect• regulation 19(1)(g) – the alleged breaches are denied• regulation 19(1)(o) – Nova Gas considers the rules do not allow second and subsequent GNWs to be issued ahead of a GTN being submitted and that it may reject all such GNWs. This may raise an issue in relation to any future alleged breaches where the second or subsequent GNWs are supported by different information than the first GNW
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