

NOTICE OF DETERMINATION OF MARKET ADMINISTRATOR	
Dated:	11 December 2009
Breach notice identifying number:	2009-136 (2009-136A to N, P, Q, T and V)
Date of receipt:	28 August, 1 September and 2 September 2009
Name of reporting entity:	E-Gas 2000 Limited (EGAS) in respect of 2009-136 A to N E-Gas Limited (EGLT) in respect of 2009-136 P, Q T and V
Name of participant that is alleged to have breached the Rules:	Nova Gas Limited (GNVG)
Name/s of other parties to breach notice:	
Rule/s allegedly breached:	Gas (Switching Arrangements) Rules 2008 Rule 72.1.2 Rule 78.1 Rule 78.2
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 2009-136 A, P and Q:</u></p> <ul style="list-style-type: none"> • regulation 19(1)(o) – the conduct alleged does not demonstrate a breach of rule 72.1.2 • regulation 19(1)(o) – any issues regarding the invoices in question can appropriately be resolved as a contractual issue between Nova Gas and its customer • regulation 19(1)(o) – as Nova Gas is not subject to the Electricity and Gas Complaints Commission scheme the market administrator can not consider whether to exercise its discretion under regulation

	<p>18(5)(a)</p> <p><u>In relation to 2009-136 B to N:</u></p> <ul style="list-style-type: none">• regulation 19(1)(a) – the alleged breaches were not severe• regulation 19(1)(c) – the alleged breaches were not deliberate and Nova Gas considers it acted with the customer’s authorisation• regulation 19(1)(d) – remedial action was taken, including email exchanges with the customer’s previous retailer <p><u>In relation to 2009-136 T and V:</u></p> <ul style="list-style-type: none">• regulation 19(1)(n) – the alleged breaches have previously been considered by the market administrator and there are no fresh issues to consider. 2009-136 T is a duplicate of 2009-53 (S-GNVG-04003) that was held not to raise material issues on 19 June 2009 and 2009-136 V is a duplicate of 2009-67 (S-GNVG-05040) that was held to raise material issues on 6 July 2009.
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