

NOTICE OF DETERMINATION OF MARKET ADMINISTRATOR	
Dated:	29 September 2009
Breach notice identifying number:	2009-138
Date of receipt:	31 August 2009
Name of reporting entity:	Allocation Agent
Name of participant that is alleged to have breached the Rules:	The Auckland Gas Company Limited (AGCL)
Name/s of other parties to breach notice:	E-Gas Limited (EGLT)
Rule/s allegedly breached:	Gas (Downstream Reconciliation) Rules 2008 Rule 52.2.1
Determination made by market administrator under regulation 18:	<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"> • regulation 19(1)(n) - there is a complex history of facts and it is difficult to verify whether The Auckland Gas Company Limited is required to submit as-billed data at any of Nova Gas' bypass gas gates • regulation 19(1)(h) - the alleged breaches may demonstrate a systemic problem with compliance • regulation 19(1)(l) - on the available information, there may be the potential for similar future alleged breaches