

<b>NOTICE OF DETERMINATION OF MARKET ADMINISTRATOR</b>	
<b>Dated:</b>	11 December 2009
<b>Breach notice identifying number:</b>	2009-148 (F, J, L, P, Q, U, ZA, ZC, ZE)
<b>Date of receipt:</b>	3, 4, 9, 10 and 11 September 2009
<b>Name of reporting entity:</b>	E-Gas Limited (EGLT)
<b>Name of participant that is alleged to have breached the Rules:</b>	Nova Gas Limited (GNVG)
<b>Name/s of other parties to breach notice:</b>	
<b>Rule/s allegedly breached:</b>	<p>Rule 65.2.1</p> <p>Rule 65.2.2</p> <p>Rule 66.1</p> <p>Rule 72.1.2</p> <p>Rule 78.1</p> <p>Rule 78.2</p>
<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> <p><u>In relation to 2009-148 F and P:</u></p> <ul style="list-style-type: none"> <li>• regulation 19(1)(n) – the alleged breach has previously been considered by the market administrator and there are no fresh issues to consider. 2009-148 F is a duplicate of 2009-67 (S-GNVG-05027) that was held not to raise material issues on 6 July 2009 and 2009-148 P is a duplicate of 2009-96 (S-GNVG-06274) held not to raise material issues on 3 August 2009</li> </ul>

	<p><u>In relation to 2009-148 J:</u></p> <ul style="list-style-type: none"> <li>• regulation 19(1)(b) – the alleged breach did not have a material impact on the operation of the market</li> <li>• regulation 19(1)(d) – remedial action was taken</li> </ul> <p><u>In relation to 2009-148 L:</u></p> <ul style="list-style-type: none"> <li>• regulation 19(1)(o) – the conduct alleged does not demonstrate a breach of rule 72.1.2</li> <li>• regulation 19(1)(o) – any issues regarding the invoice in question can appropriately be resolved as a contractual issue between Nova Gas and its customer</li> <li>• 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 18(5)(a)</li> </ul> <p><u>In relation to 2009-148 Q:</u></p> <ul style="list-style-type: none"> <li>• regulation 19(1)(a) – the alleged breach was not severe</li> <li>• regulation 19(1)(c) – it appears that the alleged breach was not deliberate and Nova Gas considered it was acting on the authorisation of the customer</li> </ul> <p><u>In relation to 2009-148 U and 2009-148 ZE:</u></p> <ul style="list-style-type: none"> <li>• regulation 19(1)(b) – the alleged breaches did not have a material impact on the market</li> <li>• regulation 19(1)(c) – there is no evidence that the alleged breaches were deliberate</li> <li>• regulation 19(1)(o) – the dates on the application forms are not necessarily the dates on which the contracts of supply were entered into, for example it may have taken Nova Gas some time to complete its credit check and other approval processes.</li> </ul> <p><u>In relation to 2009-148 ZA and 2009-148 ZC:</u></p> <ul style="list-style-type: none"> <li>• regulation 19(1)(o) – the conduct alleged does not demonstrate a breach of rule 65.2.1</li> </ul>
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