

**NOTICE OF DETERMINATION OF MARKET ADMINISTRATOR**

<b>Dated:</b>	21 October 2009
<b>Breach notice identifying number:</b>	2009-159
<b>Date of receipt:</b>	17 September 2009
<b>Name of reporting entity:</b>	Allocation Agent
<b>Name of participant that is alleged to have breached the Rules:</b>	Bay of Plenty Energy (BOPE)
<b>Name/s of other parties to breach notice:</b>	
<b>Rule/s allegedly breached:</b>	Gas (Downstream Reconciliation) Rules 2008 Rule 40.1
<b>Determination made by market administrator under regulation 18:</b>	<p>In the market administrator's opinion the alleged breach does not raise a material issue and the market administrator has decided to take no action on the alleged breach.</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)(b) - the alleged breach has not had a material impact on the operation of the market</li><li>• regulation 19(1)(c) - the alleged breach was not deliberate</li><li>• regulation 19(1)(d) - remedial action was taken</li></ul>