

NOTICE OF DETERMINATION OF MARKET ADMINISTRATOR	
Dated:	21 October 2009
Breach notice identifying number:	2009-161
Date of receipt:	17 September 2009
Name of reporting entity:	Allocation Agent
Name of participant that is alleged to have breached the Rules:	Nova Gas (GNVG)
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)(g) - the alleged breaches are denied • regulation 19(1)(h) - the alleged breaches may demonstrate a systemic problem with compliance • regulation 19(1)(l) - Nova Gas has indicated its behaviour will continue given its interpretation of the legal requirements • regulation 19(1)(o) - Gas Industry Company and Nova Gas each have different interpretations of the requirements of the Gas (Downstream Reconciliation) Rules 2008 in relation to Nova Gas' bypass gas gates