

<b>NOTICE OF DETERMINATION OF MARKET ADMINISTRATOR</b>	
<b>Dated:</b>	11 December 2009
<b>Breach notice identifying number:</b>	2009-165
<b>Date of receipt:</b>	25 September 2009
<b>Name of reporting entity:</b>	Nova Gas Limited (GNVG) and Auckland Gas Company Limited (AGCL)
<b>Name of participant that is alleged to have breached the Rules:</b>	E-Gas Limited (EGLT) and E-Gas 2000 Limited (EGAS)
<b>Name/s of other parties to breach notice:</b>	
<b>Rule/s allegedly breached:</b>	Rule 69.3
<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> <ul style="list-style-type: none"> <li>• regulation 19(1)(o) – given the delays, it was not possible for EGAS or EGLT to have given a gas transfer notice within two business days of the switch date that should have been included in the GTN</li> <li>• regulation 19(1)(o) – the claims of impact made by AGCL and GNVG should appropriately be considered as part of the impact of the alleged breaches of rule 69.2 (see 2009-49 and 2009-65)</li> </ul>