

| NOTICE OF DETERMINATION OF MARKET ADMINISTRATOR | |
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| Dated: | 30 October 2009 |
| Breach notice identifying number: | 2009-168 (S-BOPE-09001 to 09008) |
| Date of receipt: | 1 October 2009 |
| Name of reporting entity: | Registry Operator |
| Name of participant that is alleged to have breached the Rules: | Bay of Plenty Energy (BOPE) |
| Name/s of other parties to breach notice: | |
| Rule/s allegedly breached: | Gas (Switching Arrangements) Rules 2008 Rule 67.3 Rule 69.1 Rule 69.2 Rule 78.1 |
| Determination made by market administrator under regulation 18: | <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"> • regulation 19(1)(b) – the alleged breaches are unlikely to have had a material impact on the operation of the market • regulation 19(1)(c) – the alleged breaches were not deliberate • regulation 19(1)(d) – remedial action has been taken • regulation 19(1)(o) – it appears the registry incorrectly reported some of the alleged breaches |