

NOTICE OF DETERMINATION OF MARKET ADMINISTRATOR	
Dated:	11 December 2009
Breach notice identifying number:	2009-163 (A, B, D, E, H, I, K, N, P to R)
Date of receipt:	15, 17, 18 and 22 September 2009
Name of reporting entity:	E-Gas Limited (EGLT) in respect of 2009-163 A, B, D, E, H, I, K, P to R E-Gas 2000 Limited (EGAS) in respect of 2009-163 N
Name of participant that is alleged to have breached the Rules:	Nova Gas Limited (GNVG)
Name/s of other parties to breach notice:	
Rule/s allegedly breached:	Rule 65.2.1 Rule 65.2.2 Rule 72.1.2 Rule 78.2
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> <p><u>In relation to 2009-163 A and K:</u></p> <ul style="list-style-type: none"> • regulation 19(1)(o) – the conduct alleged does not demonstrate a breach of rule 72.1.2 • regulation 19(1)(o) – any issues regarding the invoices in question can appropriately be resolved as a contractual issue between Nova Gas and its customer • 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

	<p>18(5)(a)</p> <p><u>In relation to 2009-163 B, D, E, N:</u></p> <ul style="list-style-type: none">• regulation 19(1)(o) – the conduct alleged does not demonstrate a breach of rule 65.2.1 <p><u>In relation to 2009-163 H and I:</u></p> <ul style="list-style-type: none">• regulation 19(1)(a) – the alleged breaches were not severe• regulation 19(1)(c) – the alleged breaches were not deliberate and Nova Gas considered it was acting on the authorisation of the customer <p><u>In relation to 2009-163 P to R:</u></p> <ul style="list-style-type: none">• regulation 19(1)(b) – the alleged breaches did not have a material impact on the operation of the market• regulation 19(1)(c) – Nova Gas did not intend to breach the rules• regulation 19(1)(l) – the risk of recurrence appears low• regulation 19(1)(o) – Nova Gas' conduct was in reaction to delays caused by E-Gas in respect of the relevant switch
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