

NOTICE OF DETERMINATION OF MARKET ADMINISTRATOR	
Dated:	3 November 2009
Breach notice identifying number:	2009-180
Date of receipt:	13 October 2009
Name of reporting entity:	Gas Industry Company Limited
Name of participant that is alleged to have breached the Rules:	The Auckland Gas Company Limited (AGCL)
Name/s of other parties to breach notice:	
Rule/s allegedly breached:	Gas (Downstream Reconciliation) Rules 2008 Rule 18.1
Determination made by market administrator under regulation 18:	<p>In the market administrator's opinion the alleged breach does raise a material issue. The alleged breach 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)(c) – the alleged breach was not inadvertent • regulation 19(1)(f) – non-payment would result in costs to other participants • regulation 19(1)(h) – the alleged breach may demonstrate a systemic problem with compliance • regulation 19(1)(l) – on the available information, there may be the potential for similar future alleged breaches • regulation 19(1)(o) – Auckland Gas' underpayment relates to the application of the Gas (Downstream Reconciliation) Rules 2008 to Nova Gas' bypass gas gates, an issue which has been referred to investigation under other notices of breach (including 2009-138, 2009-139, 2009-160 and 2009-161)