

NOTICE OF DETERMINATION OF MARKET ADMINISTRATOR	
Dated:	18 December 2009
Breach notice identifying number:	2009-210
Date of receipt:	25 November 2009
Name of reporting entity:	Allocation Agent
Name of participant that is alleged to have breached the Rules:	Bay of Plenty Energy Limited (BOPE)
Name/s of other parties to breach notice:	E-Gas Limited (EGLT)
Rule/s allegedly breached:	Gas (Downstream Reconciliation) Rules 2008 Rule 33
Determination made by market administrator under regulation 18:	<p>In the market administrator's opinion the alleged breach does not raise a material issue and the market administrator has decided to take no action on the alleged breach.</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)(a) – the alleged breach was not severe • regulation 19(1)(b) – the alleged breach did not have a material impact on the operation of the market • regulation 19(1)(c) – the alleged breach was not deliberate, but resulted due to an internal clerical timetabling error