

NOTICE OF DETERMINATION OF MARKET ADMINISTRATOR

Dated:	26 February 2010
Breach notice identifying number:	2010-59
Date of receipt:	12 February 2010
Name of reporting entity:	Tetenburg & Associates Ltd
Name of participant that is alleged to have breached the Rules:	E-Gas Limited
Name/s of other parties to breach notice:	Gas Industry Company Limited The Auckland Gas Company Limited Nova Gas Limited On Gas Limited Genesis Energy Mighty River Power Limited Energy Direct NZ Limited Contact Energy Limited Bay of Plenty Energy Limited Powerco Limited
Rule/s allegedly breached:	Gas (Downstream Reconciliation) Rules 2008 Rule 26.2.1
Determination made by market administrator under regulation 18:	<p>In the market administrator's opinion the alleged breaches do raise material issues. The alleged breaches 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)(b) - the alleged breach is likely to have had a material impact on the operation of the market• regulation 19(1)(e) - the alleged breach has a potential anti-competitive effect

	<ul style="list-style-type: none">• regulation 19(1)(f) - the alleged breach has resulted in costs being borne by other participants or persons• regulation 19(1)(g) - the alleged breaches is admitted• regulation 19(1)(h) - the alleged breaches may indicate a systemic problem with compliance• regulation 19(1)(m) - E-Gas Limited have benefitted from the alleged breach• regulation 19(1)(n) - the complexity of the facts warrant investigation
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