

| <b>NOTICE OF DETERMINATION OF MARKET ADMINISTRATOR</b>                 |  |
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| <b>Dated:</b>  | 14 September 2010  |
| <b>Breach notice identifying number:</b>                               | 2010-223   |
| <b>Date of receipt:</b>  | 3 August 2010  |
| <b>Name of reporting entity:</b>                                       | Registry Operator  |
| <b>Name of participant that is alleged to have breached the Rules:</b> | Bay of Plenty Energy (BOPE)  |
| <b>Name/s of other parties to breach notice:</b>                       |  |
| <b>Rule/s allegedly breached:</b>                                      | Gas (Switching Arrangements) Rules 2008<br>Rule 69.2, 70.2, 72.2, 78.1   |
| <b>Determination made by market administrator under regulation 18:</b> | <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"> <li>• regulation 19(1)(a) – the alleged breach was not severe</li> <li>• regulation 19(1)(g) – the alleged breach was admitted</li> <li>• regulation 19(1)(n) – the complexity of the facts did not warrant investigation</li> </ul> |