

MARKET ADMINISTRATOR DETERMINATION	
Date	29 March 2021
Breach notice number	2020-016
Notice receipt date	16 September 2020
Reporting entity	EMS – Allocation Agent
Participant alleged to have breached the Rules/Regulations	Transpower New Zealand Limited (Allocation Agent)
Participant/s joined as a party¹	No parties joined
Rule/Regulation allegedly breached	<p>Gas (Downstream Reconciliation) Rules 2008:</p> <p>44.4 If an error is subsequently discovered later than the deadline specified in rule 44.3, and the allocation agent acting reasonably considers that correction of that error would have resulted in a materially different allocation, then:</p> <p>44.4.1 The allocation agent shall as soon as practicable pass the relevant information on to the appropriate allocation participants and the industry body; and</p> <p>44.4.2 The industry body must consider whether or not to direct a special allocation in accordance with rule 51 to rectify the error.</p>
Material Issue	<p>No material issue/s is raised.</p> <p>The Market Administrator has, in determining the materiality of the alleged breach/es, taken into account the factors listed in regulation 19(1) of the Gas Governance (Compliance) Regulations 2008 to the extent the factors are practical or relevant.</p> <p>The Market Administrator has also taken into account any information provided in accordance with regulation 14(1) of the Gas Governance (Compliance) Regulations 2008.²</p>

¹ This is a participant who has notified the Market Administrator that it considers that it is affected by the alleged breach and wished to become a party to the breach notice.

² The Market Administrator will keep confidential all information provided or disclosed to it except to the extent that disclosure is permitted under regulation 15(1) of the Gas Governance (Compliance) Regulations 2008.