

**NOTICE OF DETERMINATION OF MARKET ADMINISTRATOR**

<b>Dated:</b>	13 February 2012
<b>Breach notice identifying number:</b>	2011-361
<b>Date of receipt:</b>	1 December 2011
<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
<b>Name/s of other parties to breach notice:</b>	
<b>Rule/s allegedly breached:</b>	Gas (Switching Arrangements) Rules 2008 Rule 78.1
<b>Determination made by market administrator under regulation 18:</b>	<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"><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)(h) – the alleged breach was an isolated event</li></ul>