

**NOTICE OF DETERMINATION OF MARKET ADMINISTRATOR**

<b>Dated:</b>	25 June 2012	
<b>Breach notice identifying number:</b>	2012-075(11/2/NPL12101)	
<b>Date of receipt:</b>	11 April 2012	
<b>Name of reporting entity:</b>	Allocation Agent	
<b>Name of participant that is alleged to have breached the Rules:</b>	Bay of Plenty Energy Limited	
<b>Rule/s allegedly breached:</b>	Gas (Downstream Reconciliation) Rules 2008 Rule 37.2	
<b>Determination made by Market Administrator under regulation 18:</b>	<p>In the Market Administrator’s opinion the alleged breach does raise a material issue. The alleged breach 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"> <li>• regulation 19(1)(b) – the alleged breach was likely to have had a material impact on the operation of the market</li> <li>• regulation 19(1)(f) – the alleged breach was likely to have resulted in costs being borne by other participants or persons</li> <li>• regulation 19(1)(h) – the alleged breach indicates a systematic problem with compliance</li> <li>• regulation 19(1)(o) – the alleged breach involves gas volume differences that are not within the threshold specified in “Market Administrator Guideline note rule 37 – materiality of rule 37.2 breaches (Downstream Reconciliation)”</li> </ul>	