

**By email**

## **Market Administrator Determination**

The Market Administrator is required by regulation 18 of the Gas Governance (Compliance) Regulations 2008 to determine whether alleged breaches of gas governance rules and regulations made under Part 4A of the Gas Act 1992 raise one or more material issues.

On 22 May 2013, the Market Administrator received a notice of an alleged breach by On Gas Limited. The following determination has been made:

### **Determination for On Gas Limited**

|                                                   | <b>Alleged Breach Number</b> | <b>Rule allegedly breached</b> |
|---------------------------------------------------|------------------------------|--------------------------------|
| <b>Gas (Downstream Reconciliation) Rules 2008</b> | 2013-120                     | Rule 33.1                      |

The Market Administrator has determined that this alleged breach does not raise a material issue. In accordance with regulation 18(2)(a), no action will be taken by the Market Administrator on the alleged breach.

In accordance with regulation 22, the Determination Notice below will be published on Gas Industry Co's website.

|                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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|                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Date</b>                                                       | 4/07/2013                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>Breach notice number</b>                                       | 2013-120                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Notice receipt date</b>                                        | 22 May 2013                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Reporting entity</b>                                           | NZX - Allocation Agent                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Participant alleged to have breached the Rules/Regulations</b> | On Gas Limited                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Participant/s joined as a party<sup>1</sup></b>                | None                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Rule/Regulation allegedly breached</b>                         | Gas (Downstream Reconciliation) Rules 2008<br>Rule 33.1                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Material Issue</b>                                             | <p>No material issue/s is raised.</p> <p>The Market Administrator has, in determining the materiality of the alleged breach, 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.<sup>2</sup></p> |

<sup>1</sup> 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.

<sup>2</sup> 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.