

Rulings Panel

Breach 2009-176 (D to L), 2009-196

IN THE MATTER	of alleged breaches of the Gas (Switching Arrangements) Rules 2008
BETWEEN	e-Gas Limited and/or E-Gas 2000 Limited <i>Reporting Entity</i>
AND	Nova Gas Limited The Auckland Gas Company Limited <i>Participants in Breach</i>

Before the Rulings Panel: The Honourable Sir John Hansen KNZM

Decision: **19 July 2010**

DECISION

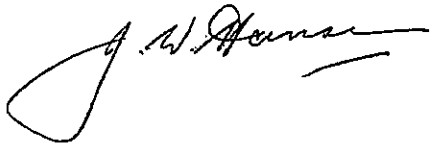
[1] The breaches were admitted by Nova and Auckland Gas. They pre-date my ruling in 2009-23 regarding the interpretation of r 72.2 and compliance with a requested switch date. Since that ruling, the investigator advises that both Nova and Auckland Gas have interpreted r 72.2 as determined by the Rulings Panel.

[2] Accordingly, the issue for the Rulings Panel is what orders (if any) should be made under s 43X of the Gas Act 1992. E-Gas submits that the sanction to be imposed should include publication of the Rulings Panel's decision and a public reprimand to Nova/Auckland Gas from the Rulings Panel.

[3] Both the investigator and Nova/Auckland Gas submit that the appropriate course is simply for the ruling to be published.

[4] It is apparent that Nova/Auckland Gas acted because of their sincere view of the rules and regulations. Once a ruling was given by the Rulings Panel contrary to that belief, they have acted in accordance with the ruling.

[5] In the circumstances I am satisfied the appropriate course is that, in accordance with the rules, the decision be published, but I do not consider it appropriate to issue any reprimand.

A handwritten signature in black ink, appearing to read 'J. W. Hansen', with a large loop at the beginning and a horizontal line at the end.

The Honourable Sir John Hansen KNZM

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