

<b>NOTICE OF DETERMINATION OF MARKET ADMINISTRATOR</b>	
<b>Dated:</b>	15 December 2008
<b>Breach notice identifying number:</b>	2008-6
<b>Date of receipt:</b>	20 November 2008
<b>Name of reporting entity:</b>	Allocation Agent
<b>Name of participant that is alleged to have breached the Rules:</b>	Mighty River Power (Mercury Energy)
<b>Rule/s allegedly breached:</b>	Gas (Downstream Reconciliation) Rules 2008 Rules 39.2.3 and 31
<b>Determination made by market administrator under regulation 18:</b>	<p>In the market administrator's opinion the alleged breach does not raise material issues 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)(b) - the alleged breach did not have a material impact upon the market</li> <li>• regulation 19(1)(c) - the failure to provide the trading notice and consumption data on time was not deliberate</li> <li>• regulation 19(1)(d) - remedial action was taken immediately upon discovery of the breach</li> </ul>