

NOTICE OF DETERMINATION OF MARKET ADMINISTRATOR	
Dated:	2 February 2009
Breach notice identifying number:	2008-16
Date of receipt:	18 December 2008
Name of reporting entity:	Allocation Agent
Name of participant that is alleged to have breached the Rules:	Mercury Energy
Rule/s allegedly breached:	Gas (Downstream Reconciliation) Rules 2008 Rule 52.2.1
Determination made by market administrator under regulation 18:	<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"> • regulation 19(1)(b) - the alleged breach has had no material impact on the operation of the market • regulation 19(1)(c) - the error made in providing the data was not deliberate • regulation 19(1)(d) - remedial action was taken immediately upon discovery of the breach • regulation 19(1)(l) – steps have been taken to prevent recurrence