

NOTICE OF DETERMINATION OF MARKET ADMINISTRATOR	
Dated:	26 February 2009
Breach notice identifying number:	2009-5
Date of receipt:	21 January 2009
Name of reporting entity:	Mercury Energy
Name of participant that is alleged to have breached the Rules:	Mercury Energy
Name of other parties to breach notice:	Vector Gas Limited
Rule/s allegedly breached:	Gas (Downstream Reconciliation) Rules 2008 Rule 39
Determination made by market administrator under regulation 18:	<p>In the market administrator's opinion the alleged breach does not raise a material issue.</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 market • regulation 19(1)(c) - the failure to provide the trading notice on time was not deliberate • regulation 19(1)(d) - remedial action was taken as soon as practicable. <p>The market administrator sought the parties' agreement to attempt to resolve the breach in accordance with regulation 21. Vector Gas Limited notified the market administrator that, as its wider concerns that breaches may have on its obligations under the Vector Transmission Code may be addressed in the near future, it believed that resolution by agreement of the alleged breach by Mercury Energy was unnecessary.</p>