

| NOTICE OF DETERMINATION OF MARKET ADMINISTRATOR | |
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| Dated: | 3 March 2009 |
| Breach notice identifying number: | 2009-9 |
| Date of receipt: | 11 February 2009 |
| Name of reporting entity: | Allocation Agent |
| Name of participant that is alleged to have breached the Rules: | Auckland Gas Limited |
| Rule/s allegedly breached: | Gas (Downstream Reconciliation) Rules 2008 Rule 31 |
| 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 market • regulation 19(1)(c) - the failure to submit the consumption data on time was not deliberate • regulation 19(1)(d) - remedial action was taken as soon as practicable. |