

NOTICE OF DETERMINATION OF MARKET ADMINISTRATOR	
Dated:	16 February 2009
Breach notice identifying number:	2009-3
Date of receipt:	14 January 2009
Name of reporting entity:	Allocation Agent
Name of participant that is alleged to have breached the Rules:	Nova Gas Limited Auckland 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 breaches do not raise material issues and the market administrator has decided to take no action on the alleged breaches.</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 breaches have had no material impact on the market • regulation 19(1)(c) - the failure to provide the trading notices on time were not deliberate • regulation 19(1)(d) - remedial action was taken as soon as practicable