

**NOTICE OF DETERMINATION OF MARKET ADMINISTRATOR**

<b>Dated:</b>	11 May 2009
<b>Breach notice identifying number:</b>	2009-31 (M-BOPE-03001 to 006, S-BOPE-03001 to 12 and S-BOPE-03014)
<b>Date of receipt:</b>	1 April 2009
<b>Name of reporting entity:</b>	Registry Operator
<b>Name of participant that is alleged to have breached the Rules:</b>	Bay of Plenty Energy Limited (BOPE)
<b>Name/s of other parties to breach notice:</b>	
<b>Rule/s allegedly breached:</b>	Gas (Switching Arrangements) Rules 2008 Rule 54 Retailer for READY ICP Rule 69 Response to gas switching notice Rule 78 Retailer response to gas switching withdrawal notice
<b>Determination made by market administrator under regulation 18:</b>	<p>In the market administrator's opinion, the alleged breaches do 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"> <li>• regulation 19(1)(a) - the alleged breaches were not severe</li> <li>• regulation 19(1)(b) - the alleged breaches have had no material impact on the market</li> <li>• regulation 19(1)(d) - the participant entered the relevant ICP information reasonably shortly after the due date and the participant has stated it has made system changes to improve compliance; responses to gas switching notices/gas switching withdrawal notice were submitted the day after due date</li> <li>• regulation 19(1)(o) – the alleged breaches appear primarily to be initial teething problems since go-live.</li> </ul>