

NOTICE OF DETERMINATION OF MARKET ADMINISTRATOR

Dated:	11 May 2009
Breach notice identifying number:	2009-31 (S-BOPE-03013)
Date of receipt:	1 April 2009
Name of reporting entity:	Registry Operator
Name of participant that is alleged to have breached the Rules:	Bay of Plenty Energy Limited (BOPE)
Name/s of other parties to breach notice:	
Rule/s allegedly breached:	Gas (Switching Arrangements) Rules 2008 Rule 72 What gas transfer notice must contain
Determination made by market administrator under regulation 18:	<p>In the market administrator's opinion, the alleged breach does raise a material issue. The alleged breach will therefore be referred to investigation in accordance with regulation 18(3).</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)g) – the alleged breach is not admitted• regulation 19(1)l) – there appears some likelihood that same alleged breach may occur in future• regulation 19(1)n) – the complexity of the facts warrant investigation. <p>The market administrator notes that issue raised in this alleged breach were also raised in breach notice 2009-23, which is currently under investigation.</p>