

<b>NOTICE OF DETERMINATION OF MARKET ADMINISTRATOR</b>	
<b>Dated:</b>	19 June 2009
<b>Breach notice identifying number:</b>	2009-45 S-AGCL-04017 and 04062
<b>Date of receipt:</b>	1 May 2009
<b>Name of reporting entity:</b>	Registry Operator
<b>Name of participant that is alleged to have breached the Rules:</b>	Auckland Gas Company Limited (AGCL)
<b>Name/s of other parties to breach notice:</b>	
<b>Rule/s allegedly breached:</b>	Gas (Switching Arrangements) Rules 2008 Rule 69 Response to gas switching notice
<b>Determination made by market administrator under regulation 18:</b>	<p>In the market administrator's opinion, the alleged breaches do raise a material issue. The alleged breaches 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"> <li>• regulation 19(1)(c) – the participant has not advised whether the alleged breaches were inadvertent or otherwise</li> <li>• regulation 19(1)(d) – remedial action was not taken promptly</li> <li>• regulation 19(1)(f) – S-AGCL-04017 may have resulted in costs and frustration to another participant</li> <li>• regulation 19(1)(h) – the alleged breaches may indicate a potential systemic problem with compliance with rule 69</li> </ul>