

| NOTICE OF DETERMINATION OF MARKET ADMINISTRATOR | |
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| Dated: | 27 May 2009 |
| Breach notice identifying number: | 2009-46 (M-BOPE-04001 to 04003) |
| Date of receipt: | 1 May 2009 |
| Name of reporting entity: | Registry Operator |
| Name of participant that is alleged to have breached the Rules: | Bay of Plenty Energy (BOPE) |
| Rule/s allegedly breached: | Gas (Switching Arrangements) Rules 2008 Rule 54 |
| 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 not had a material impact on the operation of the market • regulation 19(1)(c) - the alleged breaches were not deliberate |