

| NOTICE OF DETERMINATION OF MARKET ADMINISTRATOR | |
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| Dated: | 19 June 2009 |
| Breach notice identifying number: | 2009-49 S-EGAS-04047, 04051 to 04064 and 04097 S-EGLT-04003 to 04076, 04079 to 04121, 04525 and 04528 |
| Date of receipt: | 1 May 2009 |
| Name of reporting entity: | Registry Operator |
| Name of participant that is alleged to have breached the Rules: | E-Gas 2000 Limited and E-Gas Limited (EGAS and EGLT) |
| Name/s of other parties to breach notice: | Auckland Gas Company Limited (AGCL) joined as a party to S-EGAS-04054, S-EGLT-04068 and 04070 Nova Gas (GNVG) joined as a party to S-EGLT-04079, 04082 to 04084, 04092 to 04098, 04102, 04104, 04106, 04107, 04114, 04116 to 04118 Mighty River Power (MEEN) joined as a party to S-EGLT-04528 |
| Rule/s allegedly breached: | Gas (Switching Arrangements) Rules 2008 Rule 69 Response to gas switching notice Rule 78 Retailer response to gas switching withdrawal notice |
| Determination made by market administrator under regulation 18: | 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). The market administrator placed particular weight on the following criteria in making its determination: <ul style="list-style-type: none"> • regulation 19(1)(c) – the alleged breaches do not appear to be inadvertent • regulation 19(1)(f) – the alleged breaches have resulted in costs and frustration to other participants • regulation 19(1)(l) – it appears likely similar alleged breaches may occur in future |

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| | <ul style="list-style-type: none">• regulation 19(1)h) – the alleged breaches indicate a potential systemic problem with compliance with rules 69 and 78 |
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