

Ontario Energy Board
P.O. Box 2319
2300 Yonge Street
27th Floor
Toronto ON M4P 1E4
Telephone: 1-888-632-6273
Facsimile: (416) 440-7656

Commission de l'énergie l'Ontario
C.P. 2319
2300, rue Yonge
27^e étage
Toronto ON M4P 1E4
Téléphone: 1-888-632-6273
Télécopieur: (416) 440-7656



Application for a Gas Marketer Licence

For Office Use Only	
Application Number	EB - 2016 - 0226
Date Received	July 18, 2016

1. The Applicant

Legal Name of the Applicant : XOOM Energy ONT, ULC

Name to Appear on Licence: XOOM Energy ONT, ULC

☒ Indicate if the name to appear on the licence is the same as the legal name.

Please note that if the name to appear on the licence is not the same as the legal name, the name on the licence must include the legal name of the applicant and the legal name must appear first. The "Name to Appear on Licence" will appear on the notice of application and on the licence.

Business Classification:

☐ Sole Proprietor

☐ Partnership

☒ Corporation

☐ Other (describe) _____

Date of formation or incorporation: June 7, 2016

Place of formation or incorporation: Nova Scotia, Canada

Province/state Nova Scotia

Country Canada

If the applicant is an individual, the applicant must be at least 18 years old.

If the applicant is an individual, is he or she at least 18 years old?

☐ Yes

☐ No

☒ Not applicable - not an individual

2. Licence Primary Contact

As a condition of licensing, the licensee shall designate a person who will act as primary contact with the Board on matters related to the licence.

Mr. <input type="radio"/>	Mrs. <input checked="" type="radio"/>	Last Name	First Name	Initial
Miss <input type="radio"/>	Ms. <input type="radio"/>	Harding	Michelle	W
Other <input type="radio"/>		Title/Position		
		Vice President, Secretary, and General Counsel		
		Company Name if different from Name to Appear on Licence		
		XOOM Energy, LLC		

Licence Primary Contact Address:

11208 Statesville Road

City	Province/State	Country	Postal/Zip Code
Huntersville	North Carolina	USA	28078

Phone Number	Toll Free (if available)	Fax Number	E-mail Address
704-274-1450			mharding@xoomenergy.com

If the above address is not in Ontario, the applicant must also provide contact information for service purposes in the province of Ontario. Applicants whose offices are not located in Ontario may provide the address of an agent (an individual who is a resident of Ontario and is at least 18 years old, or a corporation that has its head office or registered office in Ontario) as the address of service.

Mr. <input type="radio"/>	Mrs. <input type="radio"/>	Last Name	First Name	Initial
Miss <input type="radio"/>	Ms. <input type="radio"/>			
Other <input checked="" type="radio"/>		Title/Position		
		Company Name if different from Name to Appear on Licence		
		McMillan LLP		

Address for Service in Ontario (if different than the Licence Primary Contact Address above)

Brookfield Place, 181 Bay Street, Suite 4400

City	Province	Postal Code
Toronto	ONTARIO	M5J2T3

Phone Number	Toll Free (if available)	Fax Number	E-mail Address
416-865-7000		416-865-7048	julia.loney@mxmillan.ca

3. Application Primary Contact

☐ Indicate if same as above. If yes, proceed to section 4.

The primary contact for the licence application may be a person within the applicant's organization other than the licence primary contact noted above. An applicant may also choose to designate a consultant, lawyer, etc. to be the primary contact for the licence application. The Board will communicate with this person during the course of the application but with the licence primary contact after a licence is issued.

Mr. <input type="radio"/>	Mrs. <input type="radio"/>	Last Name	First Name	Initial
Miss <input type="radio"/>	Ms. <input checked="" type="radio"/>	Loney	Julia	
Other <input type="radio"/>		Title/Position		
		Senior Associate		
		Company Name if different from Name to Appear on Licence		
		McMillan LLP		

Application Primary Contact Address:

1700, 421 - 7th Avenue S.W.

City	Province/State	Country	Postal/Zip Code
Calgary	Alberta	Canada	T2P 4K9

Phone Number	Toll Free (if available)	Fax Number	E-mail Address
403-531-4717		403-531-4720	julia.loney@mcmillan.ca

4. Customer Complaint or Inquiries Primary Contact

Provide contact information of the person to whom correspondence or communication regarding customer complaints or inquiries should be addressed. The mailing address should be in Ontario and the telephone number should be listed in Ontario which may be reached by the general public without a charge.

Mr. <input type="radio"/>	Mrs. <input type="radio"/>	Last Name	First Name	Initial
Miss <input type="radio"/>	Ms. <input checked="" type="radio"/>	Kulesa	Patricia	
Other <input type="radio"/>		Title/Position		
		Compliance Officer		
		Company Name if different from Name to Appear on Licence		
		XOOM Energy, LLC		

Customer Complaint or Inquiries Primary Contact Address:

102A-1075 Bay Street, Suite 341

City	Province	Postal Code
Toronto	ONTARIO	M5S 2B2

Phone Number	Toll Free	Fax Number	E-mail Address
226-828-8564	866-304-6493		pkulesa@xoomenergy.com

5. Type of Application

- ☒ New licence
- ☐ Renewal, please provide the licence number and expiry date of the existing licence
- Licence Number: GM- _____ Expiry Date: _____

6. Trade Names

The gas marketer licence authorizes the licensee to conduct business using the name under which the licence is held. It also provides for the use of trade names by the licensed gas marketer.

Does the applicant intend to use trade names?

- ☒ Yes, provide a list of trade names the applicant intends to use in the space provided below.
- ☐ No, proceed to 7.

XOOM Energy Ontario

XOOM Energy

7. Applicant's Licensing Status and History

- (a) Has the applicant, an affiliate of the applicant, or an associated entity (e.g., a partnership or limited partnership) ever been licensed by the Ontario Energy Board? (the *Business Corporations Act* definition for affiliate can be found at www.e-laws.gov.on.ca).

- ☐ Yes, provide details of current and expired licences in the table below.
- ☒ No, proceed to 7(b).

Licensor Name	Relation to the applicant (e.g., applicant itself, affiliate, partner...etc.)	Licence Number

- (b) Does the applicant, an affiliate of the applicant, or an associated entity (e.g., a partnership or limited partnership) have any other application(s) before the Ontario Energy Board?

☐ Yes, provide details in the table below.

☒ No, proceed to 7(c).

Applicant Name	Type of Application	Ontario Energy Board File Number (if applicable)

- (c) Has the applicant, an affiliate of the applicant, or an associated entity (e.g., a partnership or limited partnership) ever undertaken licensed energy sector activity in any other jurisdiction within North America?

☒ Yes, provide details of current and expired licences in the table below

☐ No

Company Name	Jurisdiction	Business Activity	Name of Licensing Body	Licence/Registration No.
Please see Exhibit 7(c)				

8. Officers, Directors and Key Individuals

- (a) If the applicant is a corporation, provide as a separate attachment a list of all officers and directors, including name and title.
- (b) Provide a list of key individuals below. The individuals listed must be the individuals that are responsible for the following functions for the applicant: regulatory requirements and conduct, financial matters and technical matters. These key individuals may include the Chief Executive Officer, the Chief Financial Officer, other officers, directors and proprietors.

Note: Please list a minimum of three key individuals. If unable to provide a minimum of three, please explain.

Name of Key Individual	Title/position within applicant's business (or identify company if not the applicant's business)
Thomas Ulry	Chief Executive Officer
David Vail	Chief Financial Officer
Christopher Phillips	Chief Operating Officer
Michelle Harding	Secretary, Vice President, and General Counsel

9. Intended Services

Intended Services: please identify which of the following services the applicant intends to offer.

- ☒ to sell or offer to sell gas to low-volume consumers (consuming 50,000m³ or less of natural gas per year) in Ontario.
- ☐ to act as an agent or broker for a gas marketer with respect to the sale or offering for sale of natural gas to low-volume consumers, or as an agent or broker for low-volume consumers with respect to the sale or offering for sale of natural gas in Ontario.

Is the applicant currently providing any of the above listed services?

- ☐ Yes, provide a list of the services the applicant is currently providing.

- ☒ No, indicate when the applicant intends to provide these services.

XOOM is currently providing services in Alberta. XOOM intends to provide these services in Ontario on 9/1/16.

16. Notice

The Board is authorized, under section 4.14 of the *Ontario Energy Act, 1998*, to collect personal information for the purpose of carrying out its duties and exercising its powers under the *Ontario Energy Board Act, 1998* or any other Act.

The information provided both on this form and attached to this form is being collected by the Board for the purpose of determining whether the applicant is qualified to receive the licence for which it is applying.

In order to verify the information on this form and/or determine whether the applicant is qualified to receive the licence for which it is applying, it may be necessary for the Board to collect additional information from some or all of the following sources: federal, provincial/state, or municipal governments; licensing bodies; law enforcement agencies; credit bureaus; and banks. Only information relevant to the application or the Board's determination of the application will be collected by the Board.

The public official who can answer questions about the collection of the information is:

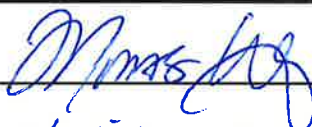
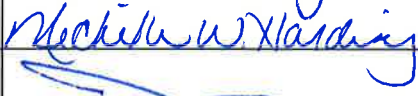
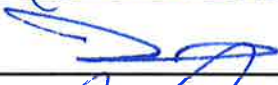
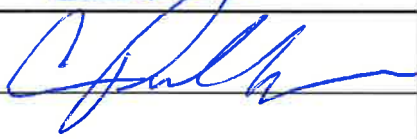
Board Secretary
Ontario Energy Board
P.O Box 2319
2300 Yonge Street, 27th Floor
Toronto, ON
M4P 1E4

Tel: 416-481-1967 or 1-888-632-6273

Applicants are reminded that the Board is subject to the *Freedom of Information and Protection of Privacy Act* ("FIPPA"). FIPPA addresses circumstances in which the Board may, upon request, be required to release information that is in its custody or under its control, and generally prohibits the Board from releasing personal information. "Personal Information" has the meaning given to it under FIPPA.

17. Certification and Acknowledgement

- (a) I certify that the information contained in this application and in the documents provided are true and accurate.
- (b) I understand and acknowledge that, as a licensed natural gas marketer, I must provide information as the Board may require from time to time.
- (c) I understand and acknowledge that, as a licensed natural gas marketer, I may have to meet requirements to disclose information to consumers in accordance with any government regulation made or standard set by the Board.
- (d) I understand and acknowledge that, as a licensed natural gas marketer, I must enter into a service agreement with the gas distributor before registering customers in a distributor's franchise area.

Name	Signature	Date
Thomas Ulry		6/16/16
Michelle Harding		6/16/16
David Vail		6/16/16
Christopher Phillips		6/16/16

Must be signed by:

- (a) the proprietor or by at least one partner, officer or director of the organization; and
- (b) each key individual identified in section 8(b)