



August 18, 2016

Board Secretary
Ontario Energy Board
P.O Box 2319
2300 Yonge Street, 27th Floor
Toronto, ON M4P 1E4
Email - BoardSec@ontarioenergyboard.ca

Sent via (Email & Courier)

Attention: Ms. Kirsten Walli, Board Secretary

Dear Ms. Walli:

**Re: Planet Energy (Ontario) Corp. Interrogatories
Gas Marketer Licence Application EB-2016-0226
Electricity Retailer Licence Application EB-2016-0227
Xoom Energy Ont, ULC**

Please find enclosed Planet Energy (Ontario) Corp. Interrogatories for the above mentioned proceedings.

Yours truly,

[Original Signed By]

Jordan Small
Director, Regulatory Affairs and Compliance
Planet Energy (Ontario) Corp.

Cc. Xoom Energy Ont, ULC

**Planet Energy (Ontario) Corp. Interrogatories
of
Xoom Energy Ont, ULC**

**Gas Marketer Licence Application
EB-2016-0226**

**Electricity Retailer Licence Application
EB-2016-0227**

August 18, 2016

Preamble

Planet Energy (Ontario) Corp. (Planet Energy) is a licensed electricity retailer in Ontario.

All Communications Network of Canada, Co. (ACN), is a multilevel marketing company, which since 2010, by contract, has exclusively marketed Planet Energy products and services in Ontario, British Columbia, Manitoba and Quebec under a Sales Agency Agreement (Sales Agreement).

ACN is an affiliate of the applicant Xoom Energy Ont., ULC (Xoom Energy); and in the United States, Xoom Energy markets its products and services through ACN Inc., (or related US entity(s)), the US parent company (ACN US).

In light of Xoom Energy's proposed entry into Canada, ACN notified Planet Energy earlier this year that it would be terminating its relationship with Planet Energy effective November 9, 2016.

The following questions are aimed at ensuring that the Ontario Energy Board (Board) is sufficiently informed of: the current and past relationship between Planet Energy and ACN; Xoom Energy's relationship with ACN and whether and how it plans to market its products and services through ACN in Ontario; and, if Xoom Energy intends to market its products and services through ACN in Ontario, how it intends to transition ACN from representing and marketing Planet Energy's products and services to marketing Xoom Energy's products and services, all for the purpose of ensuring that there is no misunderstanding, confusion or harm caused to consumers by this transition.

I. *Xoom Energy and ACN*

1. Please describe the nature of the relationship between Xoom Energy and ACN, including:
 - a. Nature of any affiliate relationship between Xoom Energy and ACN, as per the definition of affiliate in the *Ontario Business Corporations Act*, and please provide a corporate organization chart for Xoom Energy and ACN showing all affiliate entities;
 - b. Nature of any affiliate relationship between Xoom Energy (or any affiliate thereof) and ACN (or any affiliate thereof) operating in the United States;
 - c. Any common directors, officers or other employees;
 - d. How Xoom Energy (or any affiliate thereof) promotes, markets or solicits customers through ACN (or any affiliate thereof) in the United States, including:
 - i. In which U.S. states does Xoom Energy (or any affiliate thereof) promote, market or solicit customers through ACN (or any affiliate thereof);

- ii. What percentage of Xoom Energy's (or affiliates thereof) retail energy commodity customers in the U.S. were enrolled pursuant to or through ACN (or any affiliate thereof).

II. Xoom Energy's plans to market through ACN in Ontario

2. Does Xoom Energy plan to promote market or solicit customers in Ontario through ACN (or any affiliate thereof)?
3. Does Xoom Energy plan to promote market or solicit customers in Ontario outside of ACN (or any affiliate thereof)? If so, please provide details.
4. If Xoom Energy plans to promote, market or solicit customers in Ontario through ACN (or any affiliate thereof):
 - a. Will it market or solicit existing or past Planet Energy customers who were enrolled through ACN? If not, how will it ensure this is not done?
 - b. Will Xoom Energy promote or market its products and services through the same ACN independent business owners or representatives who promoted or marketed Planet Energy services or products? If not, how will it ensure this is not done?
 - c. How will Xoom Energy (and ACN) respect the terms of the Sales Agreement which makes Planet Energy customer information confidential and proprietary to Planet Energy and which prohibits such customer information from being disclosed or used by ACN for any purpose without Planet Energy's consent?
 - d. How does Xoom Energy intend generally to manage the transition of ACN's promotion and marketing of Planet Energy's products and services to ACN's promotion and marketing of Xoom Energy's products or services (or ACN's products and services), so that there is no misunderstanding or confusion by customers as to whom ACN represents or whose products and services are being promoted and marketed by ACN? In particular:
 - i. Will Xoom Energy (or ACN) be retesting or retraining ACN representatives? If so, please describe the procedure and content for retesting and retraining.
 - ii. Will Xoom Energy (or ACN) prepare and supply ACN representatives with Xoom Energy training and marketing materials to replace Planet Energy training and marketing materials? If so, please describe how this will be done.
 - iii. What were the directives or instructions, if any, given to ACN independent business owners or representatives in the last twelve

(12) months with regard to the sale of Planet Energy products and services?

- iv. When, if ever, did ACN advise or inform its independent business owners or representatives that it was terminating its relationship with Planet Energy? What information was provided and, in particular, how did ACN inform its independent business owners or representatives that the termination and/or any transition to selling Xoom Energy products and services would be managed?
- v. What information or advice has ACN provided its independent business owners or representatives with regard to the transition from selling Planet Energy to selling Xoom Energy products?