

Reply to the Attention of Julia C. Loney
Direct Line 403.531.4717
Email Address julia.loney@mcmillan.ca
Our File No. 235486
Date September 26, 2016

DELIVERED VIA COURIER AND EMAIL

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

Attention: Board Secretary

Dear Ms. Kirsten Walli:

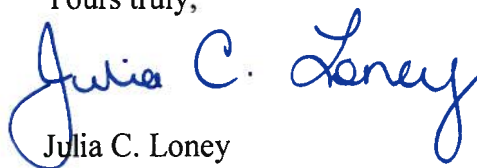
**Re: XOOM Energy ONT, ULC Applications for Natural Gas Marketer
and Electricity Retailer Licence Applications (the “Applications”)
(File Nos. EB-2016-0226/EB-2016-0227)**

Please find enclosed XOOM Energy ONT, ULC’s updated responses to the Interrogatories from Ontario Energy Board (“OEB”) with respect to the above-noted Applications.

In accordance with Rule 10 of the OEB Rules of Practice and Procedure, XOOM requests that its responses to certain of the OEB Interrogatories be made confidential. The reason for requesting such confidentiality is that XOOM’s responses to these interrogatories include sensitive business information that XOOM would like to keep private. Disclosure of this information to the public and XOOM’s competitors in the industry would be detrimental to XOOM’s business and future operations within the province of Ontario and elsewhere. In respect of this request, the enclosed responses to the OEB Interrogatories are provided in both of the following forms: (a) a confidential un-redacted version of the responses for OEB review and (b) a redacted version of the responses that can be placed on the public register.

Please do not hesitate to contact the undersigned should you have any questions or concerns.

Yours truly,

A handwritten signature in blue ink that reads "Julia C. Loney". The signature is written in a cursive style with a large initial 'J' and a distinct 'L'.

Julia C. Loney

JCL/sa
Encl.

XOOM ENERGY ONT, ULC

GAS MARKETER LICENCE APPLICATION

EB-2016-0226

ELECTRICITY RETAILER LICENCE APPLICATION

EB-2016-0227

**RESPONSES TO INTERROGATORIES OF
THE ONTARIO ENERGY BOARD**

September 12, 2016; updated September 26, 2016

Defined Terms: All references to XOOM used herein refer to XOOM Energy ONT, ULC, the applicant for the licences and all references to the Board or the OEB refer to the Ontario Energy Board.

Reference and Interrogatory:

1. Ref: Section 9 and Section 10 of the Gas Marketer & Electricity Retailer Licence Application Form – Intended Services and Markets and Intended Market Activity

a) What types of channels will XOOM use to market natural gas and retail electricity (i.e. direct mail, telephone renewals, internet, etc.)?

Response:

XOOM will market and promote its products through various sales channels and sales partners. XOOM's intention is to obtain customers with whom it can establish a lasting relationship. As such, XOOM may market through a variety of marketing networks including, but not limited to, XOOM's website (www.xoomenergy.ca), social network marketing, telemarketing, and other sales channels, to the extent permitted by the OEB and Ontario legislation.

b) How many agents does XOOM intend to use?

Response:

XOOM will partner with a variety of marketing networks to promote XOOM's products, some of which will have a number of active agents on the ground. At the time of answering these interrogatories, it is unknown how many agents XOOM will use as XOOM is still exploring sales channels and sales partners and has no contracts in place.

Reference and Interrogatory:

2. Ref: Section 13 – Technical Resources – Technical resource staff or contractors with appropriate qualifications and experience in marketing natural gas.

a) Please explain how XOOM will ensure customer information will be kept confidential. Please provide a detailed plan outlining the measures and processes that are in place or will be put in place.

Response:

XOOM's main method of enrollment will be through electronic enrollment over the internet using a secure web page accessible through www.xoomenergy.ca. XOOM's website provides detailed information about XOOM's products, including fixed and variable products for natural gas and electricity. After reviewing that information, a customer may select a desired product and enroll by entering into a contract with XOOM, including the service contract, Price Comparison and Disclosure Statement. All enrollment policies and procedures shall be consistent with the Ontario legislation and the Code of Conduct for Gas Marketers and Electricity Retailers. Importantly, insofar as these interrogatories are concerned, XOOM's website contains abundant information about XOOM's products that a customer can review without providing any personal information.

All of XOOM's enrollment policies and procedures are consistent with the *Personal Information Protection and Electronic Documents Act* (PIPEDA). As such, XOOM will obtain the consent of customers before collecting, using and disclosing information and XOOM will only use the customer's information for the purposes for which it has consent. XOOM will protect such information from unauthorized access and use and makes sure that customer information is kept current and correct. XOOM has various record retention policies, privacy policies and accountability mechanisms to ensure compliance with privacy and confidentiality legislation and Ontario Energy Board rules and requirements. Please see XOOM's privacy policy located on XOOM's website for more information: <https://xoomenergy.ca/en/privacy-policy>.

In addition, XOOM will use its many controls to ensure that a customer who has enrolled with XOOM is the customer who intended on enrolling with XOOM. When enrolling, the customer will be required to enter personal information, such as phone number, email address and utility account information. If this information is incorrect, the enrollment will be rejected by the utility and XOOM will contact the customer to correct the enrollment information.

[REDACTED]

If and when the customer successfully enrolls, there will be a series of post-enrollment measures to make sure that the customer who has enrolled is the person who intended to enroll with XOOM. Immediately upon completion of enrollment, for example, XOOM will send a Confirmation Email to the customer using the email address provided at the time of enrollment. In addition to the Confirmation Email, [REDACTED]

[REDACTED]. Should the customer not be familiar with XOOM because he or she did not enroll, the customer is prompted to immediately connect with XOOM's customer care center. Finally, once the customer's enrollment is processed by their utility, XOOM will send a Welcome Letter to the email address provided during enrollment. XOOM believes that the Confirmation Email, [REDACTED] and Welcome Letter all serve to (a) confirm the customer's information provided during enrollment is correct, (b) notify the customer that the enrollment was received by XOOM, and (c) give the customer an opportunity to cancel the enrollment if he or she so desires. If the customer information is incorrect and XOOM receives a bounce-back email or the telephone number is incorrect, [REDACTED]

[REDACTED] In addition, XOOM's compliance department will conduct [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] XOOM has a zero tolerance against unauthorized enrollments. Should any of the enrollments be identified as an unauthorized enrollment, the independent representative will immediately be deactivated and will no longer be able to promote any of XOOM's products.

Lastly, XOOM will then complete the verification process as required by the Ontario Regulations 389/10 and the *Strengthening Consumer Protection and Electricity System Oversight Act, 2015*.

b) What type of training (if any) will be provided to XOOM staff in relation to compliance with the legal and regulatory obligations in the Ontario energy market? Please provide a detailed plan.

Response:

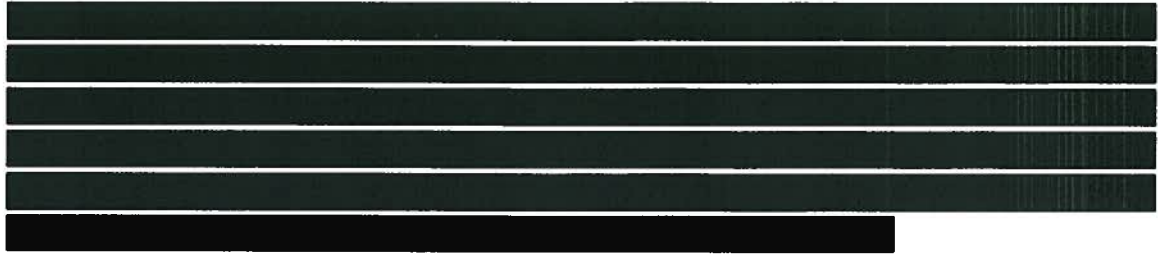
XOOM's legal and compliance department ensures compliance with legal and regulatory obligations in the Ontario energy market.

XOOM's legal department stays current on new regulations and requirements and also oversees the company's other functional counterparts and business processes to make sure that all activities of XOOM are in compliance with legal and regulatory obligations. XOOM's legal department maintains a [REDACTED] which tracks all applicable legislation and regulatory documents and filings, actively participates in an energy retail trade association, subscribes to a regulatory tracking service for all legislative and administrative activity in Ontario and other Canadian provinces, and routinely works closely with Canadian outside counsel on legal, compliance, and regulatory related matters.

XOOM's compliance department works with the company's functional counterparts (finance, operations, sale and marketing) to ensure regulatory compliance with both applicable law and XOOM policies and standards, and also to manage customer complaints. XOOM's compliance department will also be involved in ensuring that the company's operations in Ontario are compliant with Ontario legal and regulatory obligations. XOOM will also be working with [REDACTED]

XOOM's legal and compliance department consists of the following: (a) [REDACTED] attorneys that provide legal advice and counsel regarding all compliance concerns; (b) [REDACTED] Compliance Officer who ensures compliance with internal policies and applicable law and regulations for entities or people engaged in the sale or promotion of XOOM's products; and (c) [REDACTED] Compliance Analysts for assisting with the research and analysis of consumer complaints, as well as supervision of sales representatives.

XOOM's employees dealing directly with Ontario customers through XOOM's Customer Care department will receive specific training on how to address Ontario complaints specific to the Ontario market.



Since the inception of XOOM's parent company five years ago, it has been proud of the well-established processes within the legal and compliance department. In addition to setting up effective internal processes and procedures within the company, the compliance department has helped maintained an A+ rating with the Better Business Bureau. To achieve this superior rating, XOOM's compliance department consistently responds within the designated timeframe given by the Better Business Bureau and responds to customer concerns with accuracy and consistency.

Reference and Interrogatory:

3. Ref: Section 15 – Key Individual Information – Personal Experience in Energy Sector & Legal Proceedings

a) How will adherence to legal and regulatory obligations in Ontario be monitored by XOOM staff? Please describe in detail the processes and procedures in place or to be put in place to monitor compliance with legal and regulatory obligations.

Response:

XOOM has various internal departments that ensure that legal and regulatory obligations are adhered to. XOOM is always looking for external resources such as regulatory tracking services, outside counsel, and the other resources described in 2(b) to ensure that it is current and compliant with its legal and regulatory obligations. Please see answer to 2(b) above for further information.

b) Please provide XOOM's plan to ensure compliance with its legal and regulatory obligations in the Code of Conduct for Gas Marketers and Electricity Retailers and the Energy Consumer Protection Act, 2010.

Response:

Please see answers above which also apply to ensure compliance with XOOM's legal and regulatory obligations in the Code of Conduct for Gas Marketers and Electricity Retailers and the *Energy Consumer Protection Act*.

c) Please describe the processes and procedures in place or to be put in place to expeditiously investigate and resolve complaints as required in the Code of Conduct for Gas Marketers and the Electricity Retailers Code of Conduct.

Response:

XOOM's customers will be able to report complaints and inquiries to XOOM's customer service representatives using multiple avenues, including through a toll-free customer service phone number, mail, and email. XOOM's customer service contact information is available to customers through XOOM's website, the Confirmation Email, the Welcome Email, the contract documents, and on each billing statement the customer receives.

XOOM will also inform customers, through information in the contract documents, and through customer service representatives when appropriate (for example, if a customer expresses its dissatisfaction with the end result of XOOM's complaint handling process), that customers may refer any complaint to the OEB.

XOOM's complaint handling process is comprised of the following steps:

1. A customer reports a complaint via phone call, email or postal service.
2. Customer service representative interfaces with each customer via telephone.
 - a. If a customer reports a complaint over the phone, a customer service representative attempts to resolve the complaint during that original phone call. If a customer reports a complaint via email or postal service, a customer service representative calls the customer directly or emails the customer, depending on the customer inquiry, to initiate customer service.
 - b. A customer service representative attempts to satisfy each customer complaint upon first contact with the customer.
 - c. While the customer is on the phone, a customer service representative records in writing the name of the person making the complaint, the account number associated with the complaint, the reason for the complaint, and how the complaint was resolved.
3. If a customer's complaint is not resolved by the end of the first telephone conversation with customer service, the involved customer service representative will:
 - a. investigate the situation further (contacting other internal departments, such as the billing department, if necessary);
 - b. contact the customer to follow up and provide the results of the investigation; and attempt to reach a resolution with the customer, but if one cannot be reached, acknowledge that the customer does not agree with the position of XOOM.
4. If XOOM concludes that it has responded to the customer's concerns in accordance with its service agreement with the customer and this customer service policy, XOOM will consider the complaint to be resolved. At this point in the process XOOM will:
 - a. If the customer is not satisfied with XOOM's resolution of the complaint, inform the customer of the right to contact the OEB and offer the OEB's contact information; and
 - b. Record in writing the name of the person making the complaint, the account number associated with the complaint, the result of the investigation into the complaint and the disposition of the customer (satisfied, not satisfied).

In addition to the above, XOOM's compliance department also adheres to the following processes when addressing complaints:

1. When a complaint is sent to the compliance department, a Compliance Analyst will identify the due date, obtain customer information, and locate internal records.
2. The Compliance Analyst will then identify the cause of the complaint and investigate further.
3. During the investigation, [REDACTED].
4. The Compliance Analyst will then draft a response based upon facts discovered during the investigation.
5. The Compliance Analyst will then submit a drafted response to the Compliance Officer for final review prior to submission to the appropriate party.

d) Please describe the staff, policies, processes and procedures in place or to be put in place to ensure compliance with the legal and regulatory obligations in Ontario. Please provide the names, titles and contact information of all individuals that will be accountable for compliance, complaint handling, and quality assurance and describe fully their expertise in this area. If work experience descriptions of these individuals have not already been provided please include them with the response to these interrogatories.

Response:

As described in 2(b) above, XOOM's legal and compliance departments will manage compliance with legal and regulatory obligations in Ontario. Both departments report directly to [REDACTED], XOOM's Secretary, Vice President, and General Counsel. A copy of [REDACTED] resume and contact information has been provided with XOOM's application.

The names, titles and contact information of the individuals in the legal department are as follows:

[REDACTED] is the Associate Counsel of XOOM Energy. [REDACTED] also provides legal advice and counsel regarding all compliance concerns. [REDACTED] reports directly to [REDACTED] contact information is as follows:

[REDACTED]
Associate Counsel
11208 Statesville Rd.

Ste 200
Huntersville, NC 28078
T: 704-274-1450

██████████ is the Regulatory Specialist of XOOM Energy. ██████████ provides regulatory and government affairs guidance and expertise. ██████████ reports directly to ██████████ contact information is as follows:

██████████
Regulatory Specialist
11208 Statesville Rd.
Ste 200
Huntersville, NC 28078
T: 704-274-1450

The names, titles and contact information of the individuals in the compliance department are as follows:


██████████ is the Compliance Officer of XOOM Energy. ██████████ ensures compliance with internal policies and applicable law and regulations for entities or individuals engaged in the sale or promotion of XOOM products. ██████████ also reports directly to ██████████ contact information as follows:

██████████
Compliance Officer
XOOM Energy, LLC
11208 Statesville Rd.
Ste 200
Huntersville, NC 28078
T: 704-274-1450

██████████ and ██████████ both serve as Compliance Analysts of XOOM Energy. ██████████ and ██████████ are both responsible for assisting with research and analysis of consumer complaints, as well as performing preemptive quality assurance investigations to authenticate the validity of consumer enrollments. ██████████ and ██████████ report directly to ██████████. Their contact information is as follows:

██████████
Senior Compliance Analyst

XOOM Energy, LLC
11208 Statesville Rd.
Ste 200
Huntersville, NC 28078
T: 704-274-1450


Compliance Analyst
XOOM Energy, LLC
11208 Statesville Rd.
Ste 200
Huntersville, NC 28078
T: 704-274-1450

For more information XOOM's compliance process, please see 2(a) and 3(c) above.

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