

Reply to the Attention of	Julia C. Loney
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Our File No.	235486
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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)**

In connection with XOOM Energy ONT, ULC’s (“**XOOM**”) Applications, XOOM would like to address Planet Energy (Ontario) Corp.’s (“**Planet**”) recently-noted concerns.

With respect to Planet’s position that XOOM’s responses to Board Staff interrogatories should not have been redacted to the extent they were, XOOM has concurrently with this letter re-filed those responses with only supplier and personnel names and certain confidential business processes redacted. We trust that the OEB will concur that this action appropriately addresses the concern raised by Planet.

With respect to Planet’s allegation that XOOM has not provided sufficient answers to Planet’s interrogatories, we refer to Planet’s letter to the Ontario Energy Board (“**OEB**”) dated July 21, 2016. In its letter, Planet advised that it has a Sales Agency Agreement with All Communications Networks of Canada (“**ACN**”) which expires on November 9, 2016. It appears that the basis of Planet’s submissions to the OEB by way of its letter dated July 21, 2016, its interrogatories dated August 18, 2016, and letter from its counsel dated September 14, 2016 stem from concerns with this existing agreement, ACN, and alleged potential breaches of contract as between Planet and ACN. In fact, Planet confirms in the preamble to its August 18 interrogatories that the purpose of its questions relates to ACN’s ability to service two competing clients.

ACN is not the applicant in this matter, however; nor is it a party or intervenor. If Planet has concerns with the way ACN conducts its business, Planet should take that matter up with ACN or, if applicable, with a court of competent jurisdiction – not with the OEB.

XOOM maintains that Planet's issues are purely commercial in nature, and largely represent an effort by Planet to use the regulatory process in order to find out commercial information about a competitor's business. This is not the purpose of the regulatory process, and the Board should reject such blatant attempts by purported intervenors to use the Board's processes in order to obtain competitive information.

Nonetheless, XOOM wishes to be of assistance to the Board in allowing this matter to proceed expeditiously, and is therefore willing to offer the following suggestions in order to adequately address Planet's issues:

1. With respect to questions about XOOM's corporate and ownership structure (Planet's Question #1 in its interrogatories), XOOM has already provided all of the management and structural information requested by the Board in its standard license application forms. However, if the Board determines that further information would be of assistance to the Board in assessing XOOM's applications, XOOM would be pleased to provide such further information as the Board may request, on a confidential basis. XOOM is an unlimited liability company, a corporate structure designed to provide anonymity to individual shareholders and investors. It would be odd for a regulator to demand that the corporate veil be pierced and publicly exposed, and that the very purpose of the ULC structure be overridden, as part of a license application process.

To be clear, XOOM has no objection to providing such information to the Board if necessary, but not to the general public.

2. With respect to questions about how ACN's overlap between serving Planet and serving XOOM might be addressed, XOOM is willing to ensure there is no such overlap, by suggesting that any licenses issued by the OEB to XOOM stipulate that XOOM is not authorized to begin marketing gas or retailing electricity before November 10, 2016 – the day after Planet asserts that the Planet-ACN contract expires.

If XOOM cannot begin marketing to customers before November 10, 2016, then any concerns expressed by Planet are rendered moot.

For clarity, XOOM would ask the Board not to withhold its decision on the applications until November 10, but rather to issue its decisions immediately while stipulating that XOOM cannot begin marketing to customers before November 10. This way XOOM can continue its internal business planning without actually launching operations until the alleged conflict raised by Planet has expired.

Based on the foregoing, we respectfully request that the Board either:

- a) reject Planet's application for standing as an intervenor in these matters, on the basis that Planet has not demonstrated a legitimate interest which is relevant to XOOM's application; or
- b) if Planet is granted standing as an intervenor, rule forthwith on Planet's requests to:
 - i. publicly disclose XOOM's responses to Board Staff interrogatories; and
 - ii. order further answers to Planet's interrogatories.

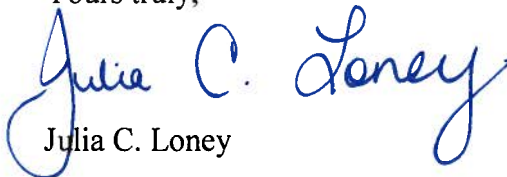
Although it appears to be Planet's intent to stall this proceeding in order to delay the entry of a competitor into this market (that is why Planet's counsel asked the Board to establish a deadline for motions rather than simply making the motions), no further debate is necessary on either of these matters since:

- a) on the matter of the public disclosure of XOOM's responses to Board Staff interrogatories, XOOM has already re-filed a revised version with less redacting; and
- b) on the matter of XOOM's responses to Planet's question, the Board has now seen the interrogatories and the responses, and has heard from Planet in its September 14 letter and heard from XOOM in this letter. No further submissions or timetables are necessary.

XOOM believes such a request should be denied for the reasons set out in this letter, and in light of the suggested compromise outlined in paragraph 2 above. However, if the Board intends to grant any part of Planet's request, XOOM has no further submissions to make on the matter and requests that the Board simply decide and make such an Order forthwith so as to avoid any further unnecessary delay.

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

Yours truly,



Julia C. Loney

JCL/sa