



EB-2016-0226
EB-2016-0227

XOOM Energy ONT, ULC

**Applications for Gas Marketer &
Electricity Retailer Licences**

PROCEDURAL ORDER NO. 1
September 30, 2016

XOOM Energy ONT, ULC (XOOM Energy) has applied for a Gas Marketer Licence and an Electricity Retailer Licence. The applications were filed on July 18, 2016, under section 50 and 60 of the *Ontario Energy Board Act, 1998*, respectively. If approved, the licences will permit the applicant to market natural gas and retail electricity in Ontario. The OEB assigned the gas marketer application EB-2016-0226 and the electricity retailer application EB-2016-0227 and due to the nature of the applications has combined the proceeding.

A Notice of Application and Written Hearing was posted on the OEB's website on August 8, 2016. The Notice provided time for interrogatories and submissions. OEB staff and Planet Energy (Ontario) Corp. (Planet Energy) filed interrogatories on the application. The applicant responded to those interrogatories on September 6, 2016. The applicant requested that some of the responses be kept confidential.

On September 15, 2016, Planet Energy filed a letter indicating that it intended to file a motion for an OEB order compelling XOOM Energy to file clearer and better answers to its interrogatories and to remove the redaction to answers to OEB staff's interrogatories. Planet Energy stated that XOOM Energy intends to use the same sales representatives that Planet Energy has used to market its products. On September 26, 2016, XOOM Energy responded to Planet Energy's concerns and removed the redaction to a portion of its responses to OEB staff interrogatories. XOOM Energy proposed measures to be put in place should it be licensed as a gas marketer and electricity retailer with respect to any overlap of sales representatives between Planet Energy and XOOM Energy.

XOOM Energy requested that the OEB decide on the application and stated that it would have no further response to Planet Energy's motion.

On September 27, 2016, Planet Energy advised that it was satisfied with the removal of redactions to XOOM Energy's responses to OEB staff's interrogatories. However, Planet Energy stated that its concerns with respect to the transition of sales representatives have not been addressed with regard to the potential for confusion and harm to customers.

On September 28, 2016, XOOM Energy filed a further letter with the OEB in response to Planet Energy's concern regarding the transition of sales representatives. XOOM Energy reiterated its proposal to alleviate Planet Energy's concerns that XOOM Energy would be agreeable to refrain from commencing its marketing and retailing activities until November 9, 2016, the date on which Planet Energy's contract with the sales representatives would expire. XOOM Energy also requested that the OEB rule on the licence applications without further delay.

The issues raised by Planet Energy in its correspondence dated September 27, 2016 can properly be addressed in the submission phase of this proceeding. The OEB has provided a revised final submission timeline to hear all parties' submissions. Accordingly, I find it necessary to make provision for the following procedural matters. This Procedural Order may be amended, and further procedural orders may be issued from time to time.

IT IS ORDERED THAT:

1. If any parties wish to make a submission they must file this submission with the OEB and deliver it to the applicant by **October 7, 2016**.
2. If the applicant wishes to file a response to a submission, this must be filed with the OEB and any parties in the proceeding by **October 14, 2016**.

All filings to the OEB must quote the file number, EB-2016-0226 & EB-2016-0227, be made in searchable /unrestricted PDF format electronically through the OEB's web portal at <https://www.pes.ontarioenergyboard.ca/eservice/>. Two paper copies must also be filed at the OEB's address provided below. Filings must clearly state the sender's name, postal address and telephone number, fax number and e-mail address. Parties must use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at

<http://www.ontarioenergyboard.ca/OEB/Industry>. If the web portal is not available parties may email their documents to the address below.

All communications should be directed to the attention of the Board Secretary at the address below, and be received no later than 4:45 p.m. on the required date.

ADDRESS

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

E-mail: boardsec@ontarioenergyboard.ca
Tel: 1-888-632-6273 (Toll free)
Fax: 416-440-7656

DATED at Toronto, September 30, 2016

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary