



Ontario Energy Board Commission de l'énergie de l'Ontario

DECISION AND ORDER

EB-2016-0226/EB-2016-0227

XOOM ENERGY ONT, ULC

Applications for Gas Marketer & Electricity Retailer Licences

BY DELEGATION,

BEFORE: **Peter Fraser**
 Vice President

November 10, 2016

Decision and Order

XOOM Energy ONT, ULC (XOOM Energy) filed separate applications on July 18, 2016 with the Ontario Energy Board (OEB), under section 50 and section 60 of the *Ontario Energy Board Act, 1998* for a Gas Marketer Licence and Electricity Retailer Licence, respectively. The licences would allow the applicant to market natural gas and retail electricity to customers in Ontario.

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 on the application evidence, as well responses from the applicant. On August 18, 2016, Planet Energy (Ontario) Corp. (Planet Energy) filed interrogatories on the application. On August 25, 2016, OEB Staff filed interrogatories on the application. The applicant responded to those interrogatories on September 12, 2016.

On September 30, 2016 the OEB issued Procedural Order #1 extending the time for submissions on the application evidence. OEB staff filed a submission on the application evidence on October 6, 2016. Planet Energy filed a submission on the application evidence on October 7, 2016. XOOM Energy replied to the submissions on October 14, 2016. Following completion of the record, on October 18, 2016, Planet Energy filed a submission in reply to XOOM Energy's reply submission. XOOM Energy replied to Planet Energy's submission on the same day. On October 19, 2016 Planet Energy responded to XOOM Energy's response.

This Decision and Order is being issued by Delegated Authority, pursuant to Section 6 of the Act.

After considering the evidence, I find it to be in the public interest to issue a Gas Marketer and Electricity Retailer Licence to XOOM Energy. The licences will have a term of two years. This term will give the applicant an opportunity to establish itself as reliable market participant in the Ontario gas marketing and electricity retailing market. The two year term will also allow the OEB to assess and review XOOM Energy's experience in the marketplace should it choose to file for renewal of its licences.

IT IS ORDERED THAT:

1. The applications for a gas marketer licence and electricity retailer licence are granted, on such conditions as are contained in the attached licences.

DATED at Toronto, November 10, 2016

ONTARIO ENERGY BOARD

Original Signed By

Peter Fraser
Vice President



Gas Marketer Licence

GM-2016-0226

XOOM Energy ONT, ULC

Valid Until

November 9, 2018

Original signed by

Peter Fraser
Vice President
Ontario Energy Board
Date of Issuance: November 10, 2016

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1 Definitions

In this Licence:

“**Act**” means the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, Schedule B;

“**low-volume consumer**” means a person who annually uses less than 50,000 cubic meters of gas;

“**Licensee**” means XOOM Energy ONT, ULC;

“**regulation**” means a regulation made under the Act.

2 Interpretation

- 2.1 In this Licence, words and phrases shall have the meaning ascribed to them in the Act. Words or phrases importing the singular shall include the plural and vice versa. Headings are for convenience only and shall not affect the interpretation of this Licence. Any reference to a document or a provision of a document includes an amendment or supplement to, or a replacement of, that document or that provision of that document. In the computation of time under this Licence, where there is a reference to a number of days between two events, they shall be counted by excluding the day on which the first event happens and including the day on which the second event happens. Where the time for doing an act expires on a holiday, the act may be done on the next day that is not a holiday.

3 Authorization

- 3.1 The Licensee is authorized, under Part IV of the Act, and subject to the terms and conditions set out in this Licence:
- a) to sell or offer to sell gas to a low-volume consumer;
 - b) to act as the agent or broker for a seller of gas to a low-volume consumer; and
 - c) to act or offer to act as the agent or broker of a low-volume consumer in the purchase of gas.
- 3.2 The Licensee is authorized to conduct business in the name under which this Licence is issued, or any trade name(s) listed in Schedule 1.

4 Obligation to Comply with Legislation and Regulations

- 4.1 The Licensee shall comply with all applicable provisions of the Act and regulations under the Act except where the Licensee has been exempted from such compliance by regulation.

5 Obligation to Comply with Codes

- 5.1 The Licensee shall at all times comply with all applicable provisions of the Code of Conduct for Gas Marketers, as issued and amended by the Board from time to time under Part III of the Act.
- 5.2 This Licensee shall:
- a) make a copy of the Code available for inspection by members of the public at its head office and regional offices during normal business hours; and
 - b) provide a copy of the Code to any person who requests it. The Licensee may impose a fair and reasonable charge for the cost of providing copies.

6 Agent for Service

- 6.1 If the Licensee does not have an office or other place of business in Ontario, the Licensee shall ensure the continuing appointment at all times of 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 Licensee's agent for service in Ontario on whom service of process, notices or other documentation may be made.

7 Provision of Information to the Board

- 7.1 The Licensee shall maintain records of and provide, in the manner and form determined by the Board, such information as the Board may require from time to time.
- 7.2 Without limiting the generality of paragraph 7.1, the Licensee shall notify the Board of any material change in circumstances that adversely affects or is likely to adversely affect the business, operations or assets of the Licensee as soon as practicable, but in any event no more than twenty (20) days past the date upon which such change occurs.

8 Customer Complaint and Dispute Resolution

- 8.1 The Licensee shall participate in a consumer complaints resolution process selected by the Board.

9 Term of Licence

- 9.1 This Licence shall take effect on November 10, 2016 and expire on November 9, 2018. The term of this Licence may be extended by the Board.

10 Fees and Assessments

- 10.1 The Licensee shall pay all fees charged and amounts assessed by the Board.

11 Communication

- 11.1 The Licensee shall designate a person that will act as a primary contact with the Board on matters related to this Licence. The Licensee shall notify the Board promptly should the contact details change.

- 11.2 All official communication relating to this Licence shall be in writing.
- 11.3 All written communication is to be regarded as having been given by the sender and received by the addressee:
- a) when delivered in person to the addressee by hand, by registered mail, or by courier;
 - b) ten (10) business days after the date of posting, if the communication is sent by regular mail; or
 - c) when received by facsimile transmission by the addressee, according to the sender's transmission report.

12 Copies of the Licence

- 12.1 The Licensee shall:
- a) make a copy of this Licence available for inspection by members of the public at its head office and regional offices during normal business hours; and
 - b) provide a copy of this Licence to any person who requests it. The Licensee may impose a fair and reasonable charge for the cost of providing copies.

SCHEDULE 1 AUTHORIZED TRADE NAMES

1. XOOM Energy Ontario
2. XOOM Energy