

April 16, 2019

**VIA E-MAIL AND FEDEX**

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

**RE: XOOM Energy ONT, ULC**  
Electricity Retailer License ER-2018-0297  
Gas Marketer License GM-2018-0298

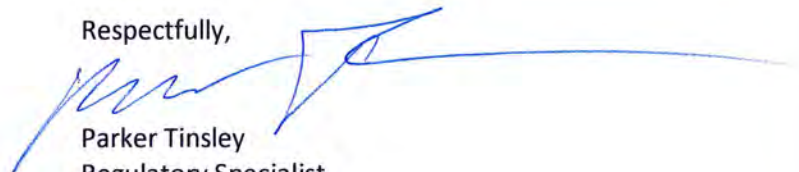
Dear Sirs/Mesdames,

Pursuant to Sections 6.1 and 6.4 in the Gas Marketers and Electricity Retailer Code of Conducts, XOOM Energy ONT, ULC ("XOOM Energy"), which holds Electric Retailer License 2018-0297 and Gas Marketer License GM-2018-0298, hereby submits its Electric Retailer and Gas Marketer Annual Compliance Certifications.

Please note that the enclosed hard copies of the Compliance Certifications have been printed double-sided.

Please feel free to contact me at [parker.tinsley@xoomenergy.com](mailto:parker.tinsley@xoomenergy.com) or call me at 704-274-1450 with questions. Thank you in advance.

Respectfully,



Parker Tinsley  
Regulatory Specialist  
XOOM Energy, ONT, ULC

Enclosures

**Gas Marketer  
Certificate of Compliance  
Under Section 6.1 of the Code of Conduct for Gas Marketers**

**Part I: Definitions and Interpretation**

1.1 In this Certificate:

“applicable legal and regulatory requirements” means all applicable requirements under the *Energy Consumer Protection Act, 2010*, the *Ontario Energy Board Act, 1998*, regulations made under those Acts, a licence issued under section 48 of the *Ontario Energy Board Act, 1998* and any rule made by the Board under section 44 of the *Ontario Energy Board Act, 1998* that are in force on the Effective ECPA Date;

“Effective Certification Date” means the later of the Effective ECPA Date and the date on which this Certificate is signed by the Gas Marketer and filed with the Board;

“Effective ECPA Date” means January 1, 2011;

“Gas Marketer” means the licensed gas marketer identified in the opening paragraph of Part II;

“salesperson” has the meaning given to it in the Board's Code of Conduct for Gas Marketers;

“text-based” has the meaning given to it in the *Energy Consumer Protection Act, 2010*; and

“verification representative” has the meaning given to it in the Board's Code of Conduct for Gas Marketers.

1.2 Unless otherwise defined in this Certificate, words and phrases shall have the meanings given to them in the *Ontario Energy Board Act, 1998*, the *Energy Consumer Protection Act, 2010* or the regulations made under those Acts.

1.3 In this Certificate, “N/A” in relation to a given statement means that the Gas Marketer will not, as of the Effective Certification Date and for a period of not less than 1 month thereafter, carry on the activity to which the statement relates.

## Part II: Certification

I,

having made all necessary enquiries, certify on behalf of the Gas Marketer that:

<b>Confirmation of Marketing Activities</b>		
<b>The channels that the Gas Marketer intends to use for the purpose of marketing gas as of the Effective Certification Date are the following:</b>	<b>Yes</b>	<b>No</b>
(A) Door-to-Door	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(B) Exhibitions	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(C) Trade shows	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(D) Direct Mail	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(E) Gas Marketer's place of business	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(F) Internet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(G) Telephone Renewals	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(H) Other (please specify below)	<input type="checkbox"/>	<input type="checkbox"/>

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<b>Certificate of Compliance</b>		
<b>1. Salespersons</b>	Yes	N/A
(A) All salespersons acting on behalf of the Gas Marketer have undergone training and testing in accordance with all applicable legal and regulatory requirements	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(B) Each salesperson acting on behalf of the Gas Marketer has been provided with business cards that meet all applicable legal and regulatory requirements	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(C) Each salesperson acting on behalf of the Gas Marketer has been provided with an identification badge that meets all applicable legal and regulatory requirements	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(D) The Gas Marketer's practices for hiring or contracting for salespersons are such that on and after the Effective Certification Date, those persons can be expected to conduct their activities in compliance with all applicable legal and regulatory requirements and with integrity and honesty	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(E) Adequate processes and controls, designed to ensure that the conduct of salespersons on and after the Effective Certification Date is in accordance with all applicable legal and regulatory requirements, are in place	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<b>2. Sales using a text-based contract</b>	Yes	N/A
(A) All contract offers, contracts and promotional material pertaining to the sale of gas to consumers have been prepared or revised as required to comply with all applicable legal and regulatory requirements and only offers, contracts and promotional material that so comply will be used on and after the Effective Certification Date	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(B) The required disclosure statement and price comparison will be used on and after the Effective Certification Date in accordance with all applicable legal and regulatory requirements	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(C) Adequate processes and controls, designed to ensure that the text-based contracting process on and after the Effective Certification Date is conducted in accordance with all applicable legal and regulatory requirements, are in place	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<b>3. Sales using the internet</b>	Yes	N/A
(A) The Gas Marketer's internet website and internet contracting process have been prepared or revised to comply with all applicable legal and regulatory requirements	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(B) All contract offers, contracts and promotional material pertaining to the sale of gas to consumers have been prepared or revised as required to comply with all applicable legal and regulatory requirements and only offers, contracts and promotional material that so comply will be used on and after the Effective Certification Date	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(C) The required disclosure statement will be used on and after the Effective Certification Date in accordance with all applicable legal and regulatory requirements	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(D) Adequate processes and controls, designed to ensure that the internet contracting process on and after the Effective Certification Date is conducted in accordance with all applicable legal and regulatory requirements, are in place	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>4. Verification</b>	Yes	N/A
(A) No verification representative acting on behalf of the Gas Marketer will be remunerated on and after the Effective Certification Date in a manner contrary to any applicable legal and regulatory requirements	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(B) All verification representatives acting on behalf of the Gas Marketer have undergone training and testing in accordance with all applicable legal and regulatory requirements	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(C) All verification representatives acting on behalf of the Gas Marketer have been instructed to do so using the verification call script approved by the Board	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(D) Adequate processes and controls, designed to ensure that each verification call made or received by the Gas Marketer on and after the Effective Certification Date (including a call from a consumer for the purpose of giving notice not to verify) is recorded and that a copy of the call recording can be retrieved and provided to the consumer upon request in accordance with all applicable legal and regulatory requirements, are in place	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(E) Adequate processes and controls, designed to ensure that the verification of gas contracts with consumers on and after the Effective Certification Date is conducted in accordance with all applicable legal and regulatory requirements, are in place	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>5. Contract Renewals and Extensions</b>	Yes	N/A
(A) All contract renewal/extension offers, contract renewal/extension forms and promotional material pertaining to the renewal/extension of gas contracts with consumers have been prepared or revised in accordance with all applicable legal and regulatory requirements and only contract renewal/extension offers, renewal/extension forms and promotional material that so comply will be used	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(B) The required disclosure statement and price comparison will be used on and after the Effective Certification Date in accordance with all applicable legal and regulatory requirements	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(C) All salespersons conducting telephone renewals on behalf of the Gas Marketer have undergone training and testing in accordance with all applicable legal and regulatory requirements	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(D) All salespersons conducting renewal calls on behalf of the Gas Marketer have been instructed to do so using the renewal call script approved by the Board	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(E) Adequate processes and controls, designed to ensure that each renewal/extension call made or received by the Gas Marketer on and after the Effective Certification Date (including a call from a consumer for the purpose of giving notice not to renew/extend) is recorded and that a copy of the call recording can be retrieved and provided to the consumer upon request in accordance with all applicable legal and regulatory requirements, are in place	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(F) Adequate processes and controls, designed to ensure that the renewal/extension of gas contracts with consumers on and after the Effective Certification Date is conducted in accordance with all applicable legal and regulatory requirements, are in place	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>6. Contract Amendments</b>	Yes	N/A
(A) Adequate processes and controls, designed to ensure that the amendment of any gas contract with a consumer on and after the Effective Certification Date is conducted in accordance with all applicable legal and regulatory requirements, are in place	<input checked="" type="checkbox"/>	<input type="checkbox"/>

7. Cancellations and Retractions	Yes	N/A
(A) Adequate processes and controls, designed to ensure that the cancellation of any contract with a consumer on and after the Effective Certification Date is processed in accordance with all applicable legal and regulatory requirements, including as to the payment of any refund to which the consumer may by law be entitled and to the switching of the consumer back to the consumer's utility, are in place	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(B) Adequate processes and controls, designed to ensure that the retraction of the renewal/extension of any gas contract by a consumer on and after the Effective Certification Date is processed in accordance with all applicable legal and regulatory requirements, including as to the switching of the consumer back to the consumer's utility, are in place	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(C) Adequate processes and controls, designed to ensure that each cancellation call and each retraction call received by the Gas Marketer on and after the Effective Certification Date is recorded and that a copy of the call recording can be retrieved and provided to the consumer upon request in accordance with all applicable legal and regulatory requirements, are in place	<input checked="" type="checkbox"/>	<input type="checkbox"/>

8. Complaint Handling	Yes	N/A
(A) Adequate processes and controls are in place to ensure that consumer complaints on and after the Effective Certification Date alleging non-compliance with any applicable legal or regulatory requirement can be received and are reviewed by the Gas Marketer in a timely manner	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(B) Adequate processes and controls are in place to ensure that remedial action is taken in a timely manner to address consumer complaints referred to in (A) above, with the consumer and/or with any person that is the subject of the complaint	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Date of Filing: 4 / 16 / 2019

  
\_\_\_\_\_  
Signature

Vice President  
\_\_\_\_\_  
Title

**Notes:**

1. In accordance with section 6.3 of the Board's Code of Conduct for Gas Marketers, this Certificate must be signed by the Gas Marketer's Chief Executive Officer, Chief Operating Officer, President or other person of equivalent position.
2. It is an offence under section 126(1)(b) of the *Ontario Energy Board Act, 1998* to knowingly furnish false or misleading information in any application, statement or return made under that Act or in any circumstances where information is required or authorized to be provided under that Act.