



Gas Marketer Licence Application

XOOM Energy ONT, ULC

1. Application Type

1. (a) Application Type

☐ New ☒ Renewal

1. (b) Licence Number

GM-2018-0298

1. (c) Expiry Date

February 27, 2024

2. The Applicant

2. (a) Legal Name of the Applicant

XOOM Energy ONT, ULC

2. (b) Business Classification

☐ Sole Proprietorship ☐ Partnership ☒ Corporation ☐ Other

2. (c) Date of Formation or Incorporation

June 07, 2016

2. (d) Province/State of Formation or Incorporation

Nova Scotia

2. (e) Country of Formation or Incorporation

Canada

2. (f) If the applicant is an individual, are they at least 18 years old?

If the applicant is an individual, the applicant must be at least 18 years old.

☐ Yes ☐ No ☒ Not Applicable

2. (g) Head Office or Business Address of the Applicant

Street Address: 804 Carnegie Center

City: Princeton

Province/State: New Jersey

Country: United States

Postal/Zip Code: 08540

Website: <https://xoomenergy.ca/en>

Main Phone Number and Email Address

Phone Number: 866-999-8483

Email Address: info@xoomenergy.com

2. (h) Please describe the applicant's current or intended line of business and business activities.

To market to and serve residential and small commercial natural gas customers in the Province of Ontario.

3. Licence Primary Contact

The licensee shall designate a person who will act as a primary contact with the Ontario Energy Board (OEB) on matters related to the licence.

3. (a) Licence Primary Contact

Salutation: Ms.

Last Name: Black

First Name: Nicole

Title/Position: Director, Regulatory Affairs

Company: NRG Energy, Inc,

Phone Number: 406-463-3250

Toll Free: 406-463-3250

Email Address: nicole.black@nrg.com

3. (b) Is the Licence Primary Contact address the same as the Head Office or Business address?

☐ Yes ☒ No

Licence Primary Contact Address

Street Address: 2500 - 530 8th Avenue SW

City: Calgary

Province/State: Alberta

Country: Canada

Postal/Zip Code: T2P 3S8

Website: https://www.nrg.com/

NOTE: If the Licence Primary Contact Address is not in Ontario, the applicant must also provide the contact information for service purposes in Ontario. The applicant may provide the address of an agent (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 contact for service.

3. (c) Contact Information for Service in Ontario

Salutation: Other

If "Other", please enter a Salutation: Registered Agent

Last Name: Registered Agent

First Name: Registered Agent

Title/Position: Registered Agent
Company: McCarthy Tetrault LLP Ontario
Phone Number: 866-999-8483
Email Address: NERetailRegulatory@nrg.com

Address for Service in Ontario

Street Address: 66 Wellington Street W., Unit 5300
City: Toronto
Province/State: Ontario
Country: Canada
Postal/Zip Code: M5k 1E6

4. Application Primary Contact

The primary contact for the licence application may be a person within the applicant's organization other than the licence primary contact noted above. An applicant may also choose to designate a consultant, lawyer, etc. to be the primary contact for the licence application. The OEB will communicate with this person during the course of the application review process, but with the licence primary contact after a licence is issued.

4. (a) Is the Application Primary Contact the same as the Licence Primary Contact?

☐ Yes ☒ No

4. (b) Application Primary Contact

Salutation: Ms.
Last Name: Farmer
First Name: Barbara
Title/Position: Regulatory Licensing & Reporting Analyst
Company: NRG Energy, Inc.
Phone Number: 832-439-3321
Email Address: barbara.farmer@nrg.com

Application Primary Contact Address

Street Address: 910 Louisiana Street, Suite 910
City: Houston
Province/State: TX
Country: United States
Postal/Zip Code: 77002
Website: <https://www.nrg.com/>

5. Customer Complaint or Inquiries Primary Contact

Provide contact information of the person to whom correspondence or communication regarding customer complaints or inquiries should be addressed. The mailing address should be in Ontario and the phone number should be listed in Ontario. The applicant should also provide a toll-free phone number for the general public to use.

5. (a) Customer Complaint or Inquiries Primary Contact

Salutation: Ms.

Last Name: Kulesa

First Name: Patti

Title/Position: Sr. Manager, NWM Sales & Quality Control

Company: XOOM Energy

Phone Number: 704-274-3000

Toll Free: 888-721-0366

Email Address: consumeraffairs@xoomenergy.com

Customer Complaint or Inquiries Primary Contact Address

Street Address: 777 Bay Street, Suite C208

City: Toronto

Province/State: Ontario

Country: Canada

Postal/Zip Code: M5G 2C8

Website: <https://xoomenergy.ca/en/contact-us>

6. Trade Names

The gas marketer licence authorizes the licensee to conduct business using the name under which the licence is held (i.e. the applicant's legal name). It also provides for the use of trade names by the licensee.

6. (a) Does the applicant intend to use trade names?

☐ Yes ☒ No

7. Applicant's Licensing Status and History

7. (a) Has the applicant, an affiliate of the applicant, or an associated entity (e.g. a partnership or limited partnership) ever been licensed by the OEB?

☒ Yes ☐ No

The *Business Corporations Act* definition for "affiliate" can be found at www.e-laws.gov.on.ca.

If yes, please provide current and expired licences.

Licensee Name	Relation to the Applicant (e.g. applicant itself, affiliate, partner, etc.)	Licence Number
XOOM Energy ONT, ULC	Applicant	GM-2018-0298
XOOM Energy ONT, ULC	Applicant	ER-2018-0297

Licensee Name	Relation to the Applicant (e.g. applicant itself, affiliate, partner, etc.)	Licence Number
Direct Energy Marketing Limited	Affiliate	EW-2020-0145
Direct Energy Marketing Limited	Affiliate	ER-2020-0168
Direct Energy Marketing Limited	Affiliate	GM-2013-0382
Direct Energy Marketing Inc	Affiliate	EW-2023-2096

7. (b) Does the applicant, an affiliate of the applicant, or an associated entity (e.g. a partnership or limited partnership) have any other application(s) before the OEB?

☒ Yes ☐ No

If yes, please provide other applications.

Applicant Name	Relation to the Applicant	Type of Application	OEB File Number
XOOM Energy ONT, ULC	Applicant	Electricity Retailer	Unknown at this time
Direct Energy Marketing Inc.	Affiliate	Electricity Wholesaler	EB-2023-0296
Null Data	Null	Null	Null

7. (c) Has the applicant, an affiliate of the applicant, or an associated entity (e.g. a partnership or limited partnership) ever undertaken energy sector activity in any other jurisdiction within North America?

☒ Yes ☐ No

If yes, please provide information about activities in other jurisdictions.

Company Name	Relation to the Applicant	Jurisdiction	Business Activity	Name of Licensing Body and Licence/Registration No. (if applicable)
XOOM Energy Canada, ULC	Affiliate	Alberta	Natural Gas Marketer	342996
XOOM Energy Canada, ULC	Affiliate	Alberta	Retail Electricity Marketer	342997
Direct Energy (B.C.) Limited	Affiliate	British Columbia	Natural Gas Marketer, Large Commercial	A-5-22
Direct Energy Business Marketing, LLC	Affiliate	Canada Energy Regulator	Gas Export Permit	GO-035-2022
Direct Energy Business Marketing, LLC	Affiliate	Canada Energy Regulator	Gas Import Permit	GO-036-2022

Company Name	Relation to the Applicant	Jurisdiction	Business Activity	Name of Licensing Body and Licence/Registration No. (if applicable)
Direct Energy Marketing Limited	Affiliate	Canada Energy Regulator	Gas Export Permit	GO-080-2022
Direct Energy Marketing Limited	Affiliate	Canada Energy Regulator	Gas Import Permit	GO-021-2022
Direct Energy Marketing Limited	Affiliate	Canada Energy Regulator	Electricity Import Permit	EPE_439
Direct Energy Marketing Limited	Affiliate	AER / ECRB	Gas Removal Permit	GR-2021-044
Direct Energy Marketing Limited	Affiliate	Alberta	Natural Gas Marketer	311172
Direct Energy Marketing Limited	Affiliate	Alberta	Electricity Marketer	311173
Direct Energy Marketing Limited	Affiliate	Quebec	Natural Gas Marketer	No Permit Required
Direct Energy Marketing Limited	Affiliate	Nova Scotia	Natural Gas Marketer	License Date, May 31, 2017
Direct Energy Marketing Limited	Affiliate	Manitoba	Natural Gas Marketer	No. 681
Direct Energy Marketing Limited	Affiliate	Saskatchewan	Natural Gas Marketer	No Permit Required
Direct Energy Marketing Limited	Affiliate	New Brunswick	Natural Gas Marketer	2017 NSUARB M08018
A full inventory of	North American	Permits is Available	Upon Request	

8. Officers, Directors and Key Individuals

8. (a) Please confirm the number of officers, directors and key individuals in your organization.

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8. (b) In the table below, identify the key individuals that are responsible for executing the following functions for the applicant: matters related to regulatory requirements and conduct, financial matters and technical matters.

Key individuals include the Chief Executive Officer, the Chief Financial Officer, other officers and directors, partners or proprietors.

NOTES:

1. List a minimum of 3 key individuals in the table below. Additional information about each key individual is required in Section 17.

2. One of the listed key individuals must sign the completed application. See Section 19 for signing authority details.

Name of Key Individual	Email	Title/Position within Applicant's Business (or identify company if not the Applicant's Business)
Elizabeth Killinger	elizabeth.killinger@nrg.com	President, XOOM Energy ONT, ULC
Leonard Gardner	bucky.gardner@nrg.com	Vice President, XOOM Energy ONT, ULC
S. Meigs Jones	meigs.jones@nrg.com	Vice President, XOOM Energy ONT, ULC
Mark Parsons	mark.parsons@nrg.com	Vice President, XOOM Energy ONT, ULC

9. Intended Markets and Services

9. (a) Identify the applicant's intended markets and services. Select all that apply.

- ☒ To sell or offer to sell gas to low-volume consumers (consuming 50,000m³ or less of natural gas per year) in Ontario.
- ☐ To act as an agent or broker for a gas marketer with respect to the sale or offering for sale of natural gas to low-volume consumers in Ontario.
- ☐ To act as an agent or broker for low-volume consumers with respect to the sale or offering for sale of natural gas in Ontario.

9. (b) Is the applicant currently providing any of the above listed services?

☒ Yes ☐ No

9. (b_Yes) If yes, provide a list of the services the applicant is currently providing.

Applicant is currently selling or offering for sale natural gas to low-volume consumers in Ontario.

9. (c) Please describe in detail the applicant's intended business model and product offering(s). Include details of all products the applicant intends to offer to its customers and explain how the commodity pricing will be determined for each of the applicant's product offering.

XOOM Energy currently offers fixed-priced plans to both residential and small business customers. All offers are made available to customers via the XOOM Energy website.

9. (d) Describe how the applicant purchases, or intends to purchase, its commodity supply, including source(s) of supply, pricing terms, hedging mechanisms and timing of purchase relative to customer supply.

XOOM Energy employs resources that forecast demand. Supply to fulfill needs is then purchased on the Natural Gas Exchange and through bilateral contracts with other counterparties.

9. (e) Describe in detail the applicant's intended approach to customer acquisition. Please include a detailed description of the marketing/advertising campaign that has been planned to begin customer acquisition and list all sales channels intended to be used.

XOOM Energy ONT, ULC's ("XOOM Energy's") primary method of marketing in Ontario is network marketing. Under this "network marketing" model, independent representatives market and promote XOOM Energy products to their friends, family and acquaintances and then send the potential customer (again a friend, family member or acquaintance) to the XOOM Energy online portal where the customer is then able to select the best product for his/her family and enroll in a XOOM Energy plan. As the independent representative is merely referring the customer to the XOOM Energy website, all rate and product information and marketing materials are contained on the website, including informational material XOOM Energy has put together to help its customers select the best product for their use.

9. (f) Does the applicant intend to acquire any services from the third-party providers (e.g. customer service, call centre, settlement services)?

☒ Yes ☐ No

9. (f_yes) If yes, please provide the following information:

- I. Describe functions to be provided by the third-party service providers and reasons for outsourcing these functions.
- II. Provide detailed information on the third-party service providers.
- III. Explain how the applicant's ability to comply with its legal and regulatory obligations will not be negatively impacted by using third-party service providers?
XOOM Energy will use a live operator third party verification, as required by the Ontario Energy Board. This process is completed by AnswerNetTPV.com for all XOOM Energy enrollments, renewals and product upgrades.

CONFIDENTIAL SECTIONS

Information filed as part of or in support of sections 10 to 17 of this application will be treated as confidential and is not available for public view.

18. Notice

The OEB is authorized, under section 4.14 of the [OEB Act](#), to collect personal information for the purpose of carrying out its duties and exercising its powers under the OEB Act or any other Act.

The information provided both on this form and attached to this form is being collected by the OEB for the purpose of determining whether the applicant is qualified to receive the licence for which it is applying.

In order to verify the information on this form and/or determine whether the applicant is qualified to receive the licence for which it is applying, it may be necessary for the OEB to collect additional information from some or all of the following sources: federal, provincial/state, or municipal governments; licensing bodies; law enforcement agencies; credit bureaus; and banks. Only information relevant to the application or the OEB's determination of the application will be collected by the OEB.

The public official who can answer questions about the collection of the information is:

Registrar

Ontario Energy Board

P.O. Box 2319

2300 Yonge Street, 27th Floor

Toronto, ON M4P 1E4

Tel: 416-481-1967 or 1-888-632-6273

Applicants are reminded that the OEB is subject to the [Freedom of Information and Protection of Privacy Act](#) (FIPPA). FIPPA addresses circumstances in which the OEB may, upon request, be required to release information that is in its custody or under its control, and generally prohibits the OEB from releasing personal information. "Personal Information" has the meaning given to it under FIPPA.