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BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

In the Matter of Application of XOOM Energy Pennsylvania, LLC )  
For Certificate Of Service Authority Pursuant to Section 19-110 )  
And Section 16-115 of the Public Utilities Act )

Docket No. \_\_\_\_\_  
A-2012-2283821

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PETITION FOR PROTECTIVE ORDER TO PROTECT  
CONFIDENTIAL PROPRIETARY INFORMATION

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**I. INTRODUCTION**

XOOM Energy Pennsylvania, LLC ("XOOM Energy Pennsylvania") respectfully requests that the Pennsylvania Public Utility Commission (the "Commission") grant exemption from public disclosure, confidential proprietary information related to the business activities of XOOM Energy Pennsylvania. This confidential and proprietary information, which includes electric generation sales and supply (kWh), financial information, and privately negotiated supply agreement are being provided as a required part of XOOM Energy Pennsylvania's Annual Report ("Annual Report").

This protective order is requested to be in place indefinitely or as the Commission sees fit for a period of no less than five (5) years to protect the confidential and proprietary information of XOOM Energy Pennsylvania, a privately held company incorporated in the State of Pennsylvania. Pursuant to §5.423 of Section 052 of the Pennsylvania Code, XOOM Energy respectfully submits this motion for protective order in its assertion of a confidentiality claim.

**II. THE MATERIALS ARE PROPRIETARY AND CONFIDENTIAL AND WARRANT  
PROTECTION FROM DISCLOSURE**

XOOM Energy Pennsylvania's electric generation sales (kWh) and supply information, financial information, and supply agreement under which XOOM Energy Pennsylvania conducts its business constitute proprietary confidential information that should be protected from public disclosure. XOOM Energy Pennsylvania is a privately held company that seeks to provide competitive energy services in the state of

Pennsylvania, and these confidential and proprietary documents which provide detail information not only about the financial state of a privately held company but also detailed information about the business plans and supply arrangement of the company are important to allowing XOOM Energy Pennsylvania to provide a cost-effective service that will be competitive in the retail energy market in the state of Pennsylvania. The disclosure of this information to the public would give undue advantage to competitors of XOOM Energy Pennsylvania and discourage private companies from seeking to be competitive suppliers in the Commonwealth; conversely, the protection of this information will help safeguard the competitiveness of the retail energy market. This kind of competitively sensitive information is routinely protected from public disclosure and this information should be protected here.

There would be no harm to the public if information subject to this motion for protective order is protected. In fact, protecting this information will be beneficial to the future customers of XOOM Energy Pennsylvania, who will benefit from XOOM Energy Pennsylvania's ability to obtain positive position in the competitive energy market.

Exhibit A contains XOOM Energy Pennsylvania's Activity Choice Reports and Annual Report which includes electric generation sales (kWh) and supply by energy source, Pennsylvania gross receipts and the Pennsylvania Tax Identification Update forms.

Exhibit B contains the Load Serving Entity Compliance Requirement Form which includes the International Swap and Derivatives Association Master Agreement negotiated between XOOM Energy, LLC, on behalf of itself and its wholly owned subsidiaries, including XOOM Energy Pennsylvania, and EDF Trading North America, LLC, two privately held companies.

Exhibit C contains XOOM Energy, LLC's audited financial statement as of December 31, 2016.

To the best of the moving party's knowledge, information, and belief, the information subject to this motion for protective order is not available in the public domain.

### **III. LEGAL STANDARD**

The Pennsylvania Public Utility Commission may exempt confidential information from public disclosure through the issuance of a protective order to limit the availability of proprietary information in accordance with 052 Pa. Code §5.423. In determining if a petition for protective order should be granted the statute states the following should be considered, among other things:

- (1) The extent to which the disclosure would cause unfair economic or competitive damage.
- (2) The extent to which the information is known by others and used in similar activities, and
- (3) The worth or value of the information to the party and to the party's competitors...

As set out above the disclosure of the financial information and supply agreement which set out how XOOM Energy Pennsylvania will operate its business would cause an unfair economic disadvantage to XOOM Energy Pennsylvania in its efforts to become a competitive supplier of electricity in the Commonwealth of Pennsylvania. Moreover, it is the belief of XOOM Energy Pennsylvania that the disclosure of such information may have a chilling effect on other private companies seeking to become competitive suppliers in the Commonwealth to the detriment of its citizens. The information requested to be protected under this petition is not known by others outside of the company.

XOOM Energy Pennsylvania believes in good faith that its private financial information and supply agreement constitute "confidential/proprietary information" that should be limited in availability as provided for under 052 Pa. Code §5.423.

XOOM Energy Pennsylvania respectfully requests that the Commission exercise its discretion and provide protection and confidential treatment of XOOM Energy Pennsylvania's information submitted in support of this motion.

#### **IV. CONCLUSION**

For the reasons set forth above, XOOM Energy Pennsylvania requests that the Commission protect from public disclosure the confidential and proprietary information included in Exhibits A, B and C of its Annual Report.

Respectfully Submitted.



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April 17, 2017

**VIA FEDEX**

Pennsylvania Public Utility Commission  
Secretary of the Commission  
Keystone Building, 400 North Street  
2<sup>nd</sup> Floor, Room N201  
Harrisburg, PA 17120

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**RE: XOOM Energy Pennsylvania, LLC Electric Annual Report 2016  
Electric Generation Supplier License (Docket No. A-2012-2283821)**

Dear Sir/Madam:

In connection with its license to provide electricity under Docket No. A-2012-2283821, XOOM Energy Pennsylvania, LLC is hereby submitting its 2016 Electric Annual Report.

Please note that this annual report contains a petition to request confidential treatment of the financial and business information in the report. Enclose also please find clean and redacted versions of these documents.

Please feel free to contact me at [kdetombeur@xoomenergy.com](mailto:kdetombeur@xoomenergy.com) or call me at 704-274-3375 with questions. Thank you in advance.

Respectfully,

Kyle De Tombeur  
Regulatory Specialist  
XOOM Energy, LLC, single member manager  
of XOOM Energy Pennsylvania, LLC