



11208 Statesville Road
Suite 200
Huntersville, NC 28078
(704) 274-1450 office
(704) 274-1430 fax
www.xoomenergy.com

October 23, 2017

VIA FEDEX

Pennsylvania Public Utility Commission
Attn: Allyson Leonard
400 North Street
Harrisburg, PA 17120

**RE: XOOM Energy Pennsylvania, LLC Quarterly Gross Receipts Report
Electric Supplier No. A-2012-2283821**

Dear Ms. Leonard,

In response to your letter dated October 20, 2017, XOOM Energy Pennsylvania, LLC ("XOOM Energy") is hereby supplementing its October 16, 2017 submission of its Quarterly Report for the period July 2017 to September 2017 to include original cover letter and Motion for Protective Order signatures.

As noted in the October 16th filing, this Quarterly Report contains XOOM Energy's electric generation sales and supply information which constitute proprietary financial information that should be protected from public disclosure. As such, enclosed please find a Motion for Protective Order, clean and redacted versions of XOOM Energy's Quarterly Report.

Please feel free to contact me at 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

RECEIVED

OCT 25 2017

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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)

**PETITION FOR PROTECTIVE ORDER TO PROTECT
CONFIDENTIAL PROPRIETARY INFORMATION**

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 are being provided as a required part of XOOM Energy Pennsylvania’s Quarterly Gross Receipts Report (“Quarterly Report”) pursuant to 52 Pa Code § 54.39(d).

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 52 Pa Code § 54.39(b)(2) and §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.

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 52 Pa. Code § 54.39(b)(2) and 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.

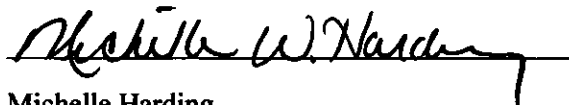
XOOM Energy Pennsylvania believes in good faith that its private financial information and supply agreement constitute "confidential/proprietary information" that should be limited in availability as provided for under 52 Pa Code §54.39(b)(2) and 052 Pa. Code §5.423.

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 its Quarterly Report.

Respectfully Submitted,



Michelle Harding
General Counsel
XOOM Energy Pennsylvania, LLC
11208 Statesville Road, Suite 200
Huntersville, North Carolina 28078
Telephone: (704) 274-1450
Facsimile: (877) 396-6041

Counsel for XOOM Energy Pennsylvania, LLC

ORIGIN ID:SRWA (704) 274-1450
KYLE DETOMBEUR
KCOM ENERGY
11206 STATESVILLE ROAD
SITE 200
PLANTERSVILLE, NC 28076
UNITED STATES US

SHIP DATE: 25OCT17
ACTWGT: 6.2 LB
CAD: 102622430/NET3920
BILL SENDER

TO **ATTN: ALLYSON LEONARD**
PENNSYLVANIA PUBLIC UTILITY COMM.
400 NORTH STREET

HARRISBURG PA 17120

(704) 274-1450 REF.
NY

DEPT

PO



THU - 26 OCT 3:00P
STANDARD OVERNIGHT

TRKID 7705 8452 2526
0201

XH MDTA

17120
PA-US MDT



545J6AF0104C

After printing this label:

1. Use the "Print" button on this page to print your label to your laser or inkjet printer.
2. Fold the printed page along the horizontal line.
3. Place label in shipping pouch and attach to your shipment so that the barcode portion of the label can be read and scanned.

Warning: Use only the printed original label for shipping. Using a photocopy of this label for shipping purposes is fraudulent and could result in additional billing charges, along with the cancellation of your FedEx account number.

Use of this system constitutes your agreement to the service conditions in the current FedEx Service Guide, available on fedex.com. FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$1,000, e.g. jewelry, precious metals, negotiable instruments and other items listed in our ServiceGuide. Written claims must be filed within strict time limits, see current FedEx Service Guide.