

[Form for ARES Applicants]

[The Form for ARES Applicants has been prepared by the Staff of the Illinois Commerce Commission. It is intended to be a source of information and a template that may be of use to entities petitioning the Illinois Commerce Commission for a Certificate of Service Authority to be an Alternative Retail Electric Supplier ("ARES") under Section 16-115 of the Public Utilities Act ("Act") [220 ILCS 5/16-115] and 83 Ill. Adm. Code 451 ("Part 451"), Certification of Alternative Retail Electric Suppliers. This form is presented in a generic format and should be individually tailored by each ARES applicant before sending to the Illinois Commerce Commission. **Some text, including bracketed text that identifies possible responses, should be replaced with the correct information or deleted entirely, as applicable. Section references should not be altered.** This Form is not intended to constitute legal advice regarding compliance with Section 16-115 of the Act, 83 Ill. Adm. Code 451, or any applicable case law.]

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

XOOM Energy Illinois, LLC

Application for Certificate of
Service Authority under Section
16-115 of the Public Utilities Act.

Docket No.

11-0705

APPLICATION

XOOM Energy Illinois hereinafter "Applicant", hereby requests that the Illinois Commerce Commission ("Commission") grant it a certificate of service authority pursuant to Section 16-115 of the Public Utilities Act ("Act"). In support of its application, Applicant states as follows:

GENERAL [451.20, 451.30, 451.210, and 451.310]

- 1. Applicant's name and street address: [451.20(c)(1)]

**XOOM Energy Illinois, LLC
13850 Ballantyne Corporate Place, Suite 150
Charlotte, North Carolina 28277**

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ILLINOIS COMMERCE
COMMISSION

2. Related Information:

- Type of business entity: [corporation, LLP, LLC, etc.]
Limited Liability Company
- Jurisdiction in which and under whose laws business entity was created:
State of Illinois
- Other names under which Applicant does business (D/B/A):
None
- Federal Employer Identification Number: [451.20(c)(2)]
45-1028383
- Registered Agent in Illinois:
**The Illinois Corporation Services Company
801 Adlai Stevenson Drive
Springfield, IL 62703**

3. Contact Persons for the following:

- a) issues related to processing this application,
**Michelle W. Harding
Vice President, Secretary and General Counsel
XOOM Energy, LLC
13850 Ballantyne Corporate Place, Suite 150
Charlotte, North Carolina 28277
(704) 274-1420
(877) 396-6041
mharding@xoomenergy.com**

- b) issues related to retail customers, including complaint resolution, and
Applicant has contracted with PPL Solutions, LLC to provide customer service support, which will include responding to customer complaints and providing general customer care. Applicant will be ultimately responsible for its customer service obligations and will supervise the customer service activities being provided by PPL Solutions, LLC.

**XOOM Energy Illinois, LLC
344 South Poplar Street
Hazleton, PA 18201
(888) 997-8979
customercare@xoomenergy.com**

- c) technical issues, including scheduling of generation, transmission, and distribution, and issues arising from relationships with other providers of electric services.

Andy Coppola
Vice President of Supply
13850 Ballantyne Corporate Place, Suite 150
Charlotte, NC 28277
(704) 274-1405
(877) 396-6041
acoppola@xoomenergy.com

4. Applicant does not agree to accept service by electronic means. [451.30(e)]
5. Applicant is licensed to do business in the State of Illinois, as demonstrated in Attachment A. [451.20(d)(1)]

Applicant is licensed to do business in the State of Illinois. A copy of Applicant's Articles of Incorporation are provided in Attachment A.

6. Applicant will publish notice of its application for certification in the Official State Newspaper within 10 days following its filing of the application for certification. The applicant will file proof of publication with the Clerk of the Commission within 5 days after publication. [451.30(a)]

Applicant will publish notice of its applications for certification in the Official State Newspaper within 10 days following its filing of the application for certification and will provide proof of the publication with the Clerk of the Commission within 5 days after publication in accordance with 451.30(a).

7. Applicant's employees that will be installing, operating, and maintaining generation, transmission, or distribution facilities within the State of Illinois, as well as any entity with which the Applicant has contracted to perform those functions, have the requisite knowledge, skills, and competence to perform those functions in a safe and responsible manner in order to provide safe and reliable service in accordance with the criteria stated in Section 16-128(a) of the Act [220 ILCS 5/16-128(a)], as demonstrated in Attachment __. [451.20(d)(2)] [If applicable]

Applicant will not be installing, operating, or maintaining generation, transmission, or distribution facilities within the State of Illinois and thus, this question is not applicable.

8. Description of Applicant's business. Applicant is not affiliated with an Illinois utility. [If applicant is affiliated, identify the utility affiliate and describe the affiliate relationship] [451.30(c)(1)]

Applicant was formed on March 24, 2011 for the purpose of becoming a reseller of natural gas, electricity and green (renewable) energy products in the state of Illinois.

Applicant, will offer electricity to residential customers, small-to medium sized business, and small to medium sized commercial and industrial (C&I) customers through a variety of service plans including:

- (1) mass market retail sales (residential & small-to-medium sized business customers), which will include month-to-month variable price plans, term variable price plans and term fixed price plans; and**
- (2) C&I structured products based on end-user load profiles.**

It will market its retail energy services primarily through its select retail channel partners (i.e., sales agents), who will market Applicant's products directly to consumers.

9. Geographic area in which Applicant seeks to be authorized to offer service (if less than entire State, provide detailed description) and the types of services it intends to offer. [451.30(c)]

Applicant intends to provide retail electric service to customers in the service territories of the Ameren Illinois Company, Commonwealth Edison Company, MidAmerican Energy Company, and Mt. Carmel Public Utility Company.

10. Identification of the Part 451 subpart (Subpart B, C, D, or E) under which the applicant is filing. Description of the characteristics of customer group(s) Applicant proposes to serve. [451.30(c)(2)]

Applicant is filing under Subpart D of Part 451. Applicant will offer electricity to residential customers, small-to- medium sized businesses, and small-to-medium sized commercial and industrial ("C&I") customers.

11. Applicant notified the designated in-state agent for each affected utility that Applicant intends to serve customers in that utility's service area, as demonstrated in Attachment B. [451.30(c)(3)]

In accordance with 451.30(c)(3), Applicant has notified the designated in-state agent for each affected utility in whose service area Applicant intends to serve customers. Proof of said notification is provided in Attachment B.

12. Applicant certifies that it:
- a) will comply with all applicable Federal, State, regional and industry rules, practices, policies, procedures and tariffs for the use, operation, maintenance, safety, integrity, and reliability of the interconnected electric transmission system; [451.20(a)]
 - b) will comply with informational and reporting requirements that the Commission may by rule establish; [451.20(b)]
 - c) complies with all other applicable laws and regulations and Commission rules and orders; [451.20(e)]
 - d) complies with all terms and conditions required by Sections 16-115A(a), (b), and (f), 16-119, 16-123, 16-125(b) and (c), 16-127, and 16-128(a) of the Act, to the extent those Sections have application to the services being offered by the alternative retail electric supplier; [451.30(d)(2)] and
 - e) [for Subpart C and D applicants] complies with all terms and conditions required by Section 16-115A(c) of the Act. [451.210 and 451.310(a)]

Applicant certifies to the best of its abilities that it will comply with all applicable Federal, State, regional and industry rules practices, polices, procedures and tariffs for the use, operating, maintenance, safety, integrity, and reliability of the interconnection electric transmission system as required under Part 451.20(a) and with information and reporting requirements that the Commission may by rule establish in accordance with 451.20(b).

Applicant further certifies that to the best of its knowledge it does comply with all other applicable laws and regulations and Commission rules and orders in accordance with 451.20(a); all terms and conditions as required under sections 16-115A(a), 16-115A(b), 16-115A(f), 16-119, 16-123, 16-127 of the Act and Part 451.30(d)(2).

As Applicant is not a utility and will not own, control, or operate transmission and distribution facilities and equipment and thus is not a "jurisdictional entity" as defined in 16-125(b) and 16-125(c), this section is not applicable to Applicant.

Similarly, as Section 16-128(a) was enacted to address the General Assemblies concerns over the reliability, safety and integrity of the State's interest to protect the interests of utility employees and Applicant is not a utility, Section 16-128(a) is also not applicable to Applicant.

As Applicant is a Subpart D applicant, it certifies to the best of its knowledge that it complies with all the terms and conditions required by Section 16-115A(c) of the Act.

13. Applicant agrees to submit good faith schedules of transmission and energy in accordance with applicable tariffs. [451.20(a)]

Applicant agrees to submit good faith schedules of transmission and energy in accordance with applicable tariffs.

14. Applicant certifies that it will provide for review by Staff on a confidential and proprietary basis data related to contracts for the purchase and sale of electric power and energy; [451.20(b)]

Applicant certifies that it will comply with such informational or reporting requirements as the Commission may by rule establish and will, upon the request of the Commission staff, make available any data related to contracts for the purchase and sale of electric power and energy for review by the Staff as determined reasonably necessary by the Commission in accordance with 451.20(b) and 220 ILCS 5/16-115(d)(4).

15. Applicant shall certify it will procure renewable energy resources as required by Section 16-115D and subsection (d) of Section 16-115 of the Act, or shall certify that Section 16-115D and subsection (d) of Section 16-115 of the Act do not apply to it pursuant to subsection (h) of Section 16-115D of the Act. [451.20(f)].

Applicant certifies to the best of its abilities that it will procure energy resources as required by Section 16-115D and subsection (d) of the Act.

16. Applicant shall certify that it will source electricity from clean coal facilities, as required by Section 16-115(d)(5) of the Act. [451.20(g)]

Applicant certifies to the best of its abilities that it will source electricity from clean coal facilities, as required by Section 16-115(d)(5) of the Act.

17. Applicant agrees to adopt and follow rules and procedures ensuring that authorizations received from customers, customer billing records, and requests for delivery service transmitted to utilities are retained for a period of not less than two calendar years after the calendar year in which they were created. [451.40(a)]

Applicant agrees to the best of its abilities that it will adopt and follow rules and procedures ensuring that authorizations received from customers, customer billing records, and requests for delivery service transmitted to utilities are retained for a period of not less than two calendar years after the calendar year in which they were created as required by Part 451.40(a).

18. Applicant agrees to adopt and follow rules and procedures to preserve the confidentiality of its customer's data. [451.40(b)]

Applicant agrees to the best of its abilities to adopt and follow rules and procedures that will preserve the confidentiality of its customers' data under the requirements of Part 451.40(b).

19. State whether Applicant currently has authority from the Commission to be an ARES, and if so, the Docket Number under which such authority was granted. [(If Applicant currently has a Certificate of Service Authority) Applicant requests that such current authority be consolidated with any authority granted pursuant to this application, under the docket number of this application.]

Applicant was newly formed on March 24, 2011 and does not currently have authority from the Commission to be an ARES.

20. A statement to disclose whether it is licensed as an alternative retail electric supplier in any other jurisdictions, similar to the licensure required under Section 16-115 of the Illinois Public Utilities Act. Additionally, the Applicant is directed to disclose whether it has had any complaints filed against it for its provision of any services in the electric or gas industry in this or any other jurisdiction. If yes, the Applicant is directed to include in its response the nature of the complaint, the jurisdiction, and the ultimate resolution.

Applicant was formed on March 24, 2011 and is not currently licensed as an alternative retail electric supplier in this, or any other, jurisdiction.

As Applicant was formed on March 24, 2011 and is not licensed now, nor has been licensed in any other jurisdiction, Applicant does not have any complaints filed against it for its provision of any services in the electric or gas industry.

LICENSE OR PERMIT BOND [451.50]

21. Applicant is required to execute and maintain a copy of the license or permit bond in the name of the People of the State of Illinois issued by a qualifying surety or insurance company authorized to transact business in the State of Illinois. The amount of the bond shall equal the amount specified in Part 451.50(a) for the appropriate group of customers the Applicant seeks certification to serve. [Attach a copy of the license or permit bond required by Part 451.50(a) and proof that the surety meets the definition of "qualifying surety" as set forth in Part 451.10.]

[A list of Sureties that meet the definition of "qualifying surety" can be found on the Department of the Treasury's Listing of Approved Sureties (Department Circular 570) (<http://www.fms.treas.gov/c570/c570.html>)]

Applicant has executed and will maintain a copy of a license/permit bond in the name of the People of the State of Illinois issued by North American Specialty Insurance Company a qualifying surety company authorized to transact business in the State of Illinois. The amount of the bond is \$300,000 as specified in Part 451.50(a) and a copy of the bond is attached here to as Attachment C.

FINANCIAL QUALIFICATIONS [451.320—Not applicable to Subpart E Applicants]

22. Applicant meets one of the six financial criteria set forth in Part 451.320(a)(1-6), as demonstrated in Attachment D. [Attach a copy of the documents that demonstrate that the Applicant meets the applicable criteria. The applicant must state the specific subsection of the financial criteria it seeks to meet] If a Subpart C or D Applicant fails to meet or qualify for certification under Part 451.220(a) or 451.320(a), the Applicant shall so state and provide the information required by Part 451.220(b) or 451.320(b). [An applicant **applying under Part 451.220(b) or 451.320(b) should clearly demonstrate that it is unable to meet or qualify for certification under Part 451.220(a) or 451.320(a).**]

Applicant is a subpart D applicant and shall meet the financial requirement in accordance with 451.320(a)(2) in that:

- 1) Applicant maintains a line of credit with an RTO who is an unaffiliated wholesale supplier for electric energy for delivery to the service territories of the utilities for which Applicant is seeking a certificate. The credit agreement is being provided under confidential cover as Attachment D.**
- 2) A copy of the credit agreement identifying the maximum facility size amount is being provided under confidential cover as Attachment D.**
- 3) Applicant was formed on March 24, 2011 and thus does not have 12 months of revenue, as such Applicant's available credit line for the full term of the credit agreement is no less than \$1,000,000.00. The credit agreement evidencing the maximum credit facility amount is being provided under confidential cover as Attachment D.**
- 4) The term of the credit agreement exceeds 1 year. The credit agreement evidencing the term of the agreement is being provided under confidential cover as Attachment D.**
- 5) A copy of the Credit Agreement is being provided under confidential cover as Attachment D.**
- 6) Applicant was formed on March 24, 2011 as a single-member manager limited liability company. The single-member manager of Applicant is XOOM Energy which also holds 100% members in Applicant. XOOM Energy was formed on March 15, 2011. As both Applicant and XOOM Energy were formed in March 2011, neither has audited financials at this time. If requested, Applicant will provide the financial statements that exist for the life of the company to date under an Officer's certificate at the request of the Commission.**

7) Applicant was formed on March 24, 2011 and thus does not have 12 months of revenue, as such Applicant's available credit line for the full term of the credit agreement is no less than \$1,000,000.00. The credit agreement evidencing the maximum credit facility amount is being provided under confidential cover as Attachment D.

Applicant has also obtained the bonds as required under Part 451.50(a) of the Illinois Administrative Code. Evidence of said bonds is attached as Exhibit C.

23. Applicant will not provide electric power and energy with property, plant and equipment that it owns, controls, or operates. If Applicant will provide electric power and energy with property, plant and equipment that it owns, controls, or operates, Applicant shall verify that it meets the requirements of Part 451.110(b), 451.220(c), or 451.320(c) for commercial general liability insurance. Attachment ___ shows that the commercial general liability insurance coverage is in the amount of \$___ and shall remain in effect for a period of not less than one year. Attachment ___ shows that the insurers have Best's ratings of A- or better and Best's financial sizes of VII or larger.

Applicant will not provide electric power and energy with property, plant and equipment that it owns, controls, or operates.

TECHNICAL QUALIFICATIONS [Part 451.330]

24. Applicant will not use electric generation, transmission or distribution facilities that it owns, controls or operates in serving customers.

Applicant will not use electric generation, transmission or distribution facilities that it owns, controls or operates in serving customers thus Part 451.330(a) is not applicable.

[Note: Even if applicant will not use electrical generation, transmission, or distribution facilities that it owns, controls or operates in serving customers, the applicant still must demonstrate it satisfies the other technical qualifications contained in Part 451.330]

Applicant satisfies the technical qualifications contained in Part 451.330 as demonstrated in Attachment E.

Applicant is a single-member managed limited liability company. XOOM Energy, LLC (“XOOM Energy”) is the parent and single member manager of Applicant. Pursuant to Applicant’s Operating Agreement, the officers of XOOM Energy are authorized to conduct business on behalf of Applicant, including signing binding contract. In addition, Applicant will enter into a service agreement with XOOM Energy for the management of customer service, billing, and other back office functions (operations) of Applicant.

[List each technical qualification from the applicable code part, and identify by name the individual(s) on Applicant’s staff with relevant experience. The attachment should provide resume information for the named individuals that applicant believes satisfies the applicable technical experience requirements, including the duration of that experience.]

As a Subpart D applicant, the technical requirements for Applicant are as follows:

451.330(b) Applicant must have at least one individual on its staff with at least four years experience buying and selling power energy in wholesale markets; and at least one year experience working for an entity that is either a member of PJM, a market participant in the Midwest ISO, or has a system operator certificate from NERC, or has earned Certified Energy Procurement Professional status by the Association of Energy Engineers (or equivalent certification).

Mr. Robert Blake has at least four years experience buying and selling power and energy in wholesale markets and one year of scheduling experiencing working for an entity that is either a member of PJM, a market participant in the Midwest ISO, or has a system operator certificate from

NERC, or has earned Certified Energy Procurement Professional status by the Association of Energy Engineers or equivalent certification as required under Part 451.330(b). Mr. Blake's resume is attached as Attachment E.

[for Subparts B, C, D, or E] The following individuals on Applicant's staff have experience working with Applicant's facilities or an electric generation, transmission, or distribution facility that is substantially similar to the facility that Applicant owns: [Robert A. Blake]

In accordance with Part 451.330(b), Robert A. Blake, is a full-time employee on staff with Applicant that has experience working with Applicant's facilities.

[for Subparts B, C, or D] The following individuals on Applicant's staff have experience buying and selling power and energy in wholesale markets: **Robert A. Blake**

[for Subparts C or D] The following individuals on Applicant's staff have experience working for an entity that is either a member of PJM, a market participant in the Midwest ISO, or has a system operator certificate from NERC, or has earned Certified Energy Procurement Professional status by the Association of Energy Engineers (or equivalent certification): **Robert A. Blake**

[for Subparts C, D, or E] Applicant agrees to maintain the following telephone number, fax number, and address where Applicant's staff can be directly reached at all times. Applicant understands that maintenance of an answering service or machine, pager, or similar message-taking procedure does not satisfy this requirement. [451.330(c)]

Telephone # **(888) 997-8979**
Fax # **(800) 627-8813**
Address **344 South Poplar Street**
Hazleton, PA 18201

MANAGERIAL QUALIFICATIONS [Part 451.340(b); 451.340(c) and 451.350,]

25. Applicant meets the managerial qualifications set forth in [Part 451.340] (not applicable to Subpart E Applicants), as demonstrated in Attachment E. Attachment __ includes an exhibit containing a corporate organizational chart and identifying the persons or agents who are being used to meet each of the requirements of Part [list applicable code part: 451.130(b), 451.240(b), or 451.340(b)].

A copy of Applicant's organizational chart is attached in Attachment A as required by 451.340(b).

[List each of the managerial qualifications from the applicable code part, and identify by name the individual(s) on Applicant's staff with relevant experience. The attachment should provide resume information for the named individuals that applicant believes satisfies the applicable managerial experience requirements, including the duration of that experience.]

Applicant is a single-member managed limited liability company. XOOM Energy, LLC is the parent and single member manager of Applicant. Pursuant to Applicant's Operating Agreement, the officers of XOOM Energy are authorized to conduct business on behalf of Applicant, including signing binding contract. In addition, Applicant will enter into a service agreement with XOOM Energy for the management of customer service, billing, and other back office functions (operations) of Applicant. The Officers and Managers of XOOM Energy who will manage the operations of Applicant, along with their qualifications are as follows:

Thomas L. Ulry, Chief Executive Officer of XOOM Energy, LLC. Mr. Ulry has more than 24 years of sales and senior management experience, including experience managing both fast paced start-up companies and mature business environments, with 21 of those years being devoted to the sales, marketing, and management activities of retail energy businesses with substantial portfolios ranging from \$20 million to \$165 million dollars over the course of his career. As a both a Senior Manager in charge of Sales multiple FERC licensed retail marketers he has had responsibility for the buying and selling of gas and power in both wholesale and retail markets. Mr. Ulry will be responsible for the strategic and operational day to day requirements for Applicant. Mr. Ulry's resume is attached as Attachment F.

Robert A. Blake, Chief Operating Officer of XOOM Energy, LLC. Mr. Blake has over 31 years of experience in the power an energy industry, including 14 years in the deregulated retail electric and natural gas environment. Mr. Blake has managed large customer bases and growth of several retail electric and gas providers. Mr. Blake will be responsible for the operations, including customer service and billing for Applicant. Mr. Blake's resume is attached as Attachment E.

Mr. Andrew Coppola, Vice President of Supply, XOOM Energy LLC. Mr. Coppola has 29 years of experience in energy management, energy origination and procurement, asset optimization operations, risk management, trading, internal controls, and other related core business functions for gas and power customers ranging in size from small retail to large wholesale customers. Mr. Coppola will responsible for the management of supply related services, which includes but is not limited to purchase of power, pricing of products and forecasting. Mr. Coppola's resume is attached as Attachment F.

[for Subpart B applicants] The following individual in a management position on Applicant's staff has three or more years experience in a business enterprise:

[for Subpart C or D applicants] The following individuals in management positions on Applicant's staff have four years experience with enterprise financial and administration responsibilities including profit and loss responsibilities: **Thomas L. Ulry (CEO); Robert A. Blake (COO); Andrew Coppola (VP of Supply)**

[for Subpart D applicants] The following three individuals in management positions on Applicant's staff have four years experience buying and selling power and energy in wholesale markets: **Thomas L. Ulry (CEO); Robert A. Blake (COO); Andrew Coppola (VP of Supply)**

[for Subpart D applicants] The following three individuals in management positions on Applicant's staff have four years electric system operational experience:

Applicant will not use electrical generation, transmission, or distribution facilities that it owns, controls or operates in serving customer. For the services that Applicant will provide, which is offering electricity to residential customers, small-to medium sized business, and small to medium sized commercial and industrial (C&I) customers through a variety of service plans as describe above, these three individuals collectively have more than 75 years of experience in servicing retail customers, purchasing and selling power wholesale power and operating small to large retail marketers of natural gas and electricity to residential, small-medium and commercial customers in multiple jurisdictions. In accordance with Part 451.340(c), Applicant has demonstrated the extent its managerial resources and abilities match the services it intends to provide to its customers. If the Commission deems it necessary, applicant shall provide additional information or meet additional requirements to insure the applicant is managerially qualified, commensurate with the anticipated scope of the service to be provided and customer to be served as described in here in by Applicant.

26. Applicant is relying on one or more agents or contractors to meet the technical and managerial requirements of Part 451.330 and 451.340. [(If Applicant is relying on such agents or contractors)] Each agent and contractor on whom the Applicant relies to meet these requirements is disclosed on Attachment A. Attachment should include narrative and/or resumes of agent's or contractor's key personnel showing clearly how each applicable technical or managerial experience requirement is being met. [451.350(a)] Applicant certifies that each such agent or contractor will comply with all the sections of Part 451 that are applicable to the functions to be performed by the respective agent or contractor. [451.350(b)]

Applicant is a single-member managed limited liability company. XOOM Energy, LLC is the parent and single member manager of Applicant.

Pursuant to Applicant's Operating Agreement, the officers of XOOM Energy are authorized to conduct business on behalf of Applicant, including signing binding contract. In addition, Applicant will enter into a service agreement with XOOM Energy for the management of customer service, billing, and other back office functions (operations) of Applicant.

Applicant certifies to the best of its abilities that each agent or contractor will comply with all the sections of Part 451 that are applicable to the functions to be performed by the respective agent or contractor.

FINANCIAL QUALIFICATIONS FOR SINGLE BILLING SERVICE [451.510]

27. **Applicant does not intend to provide single billing services.**

GENERAL PROVISIONS FOR APPLICANTS FILING UNDER SUBPART D [451.310]

28. **Applicant has not been denied an electric supplier license in any state in the United States.**
29. **Applicant has not had an electric supplier license suspended or revoked by any state in the United States.**
30. **Applicant does not have other electric supplier license applications pending in the United States.**
31. **Applicant is not the subject of any lawsuits that were filed in a court of law or formal complaints that were filed with a regulatory agency alleging fraud, deception or unfair marketing practices, or other similar allegations.**
32. **Applicant certifies that its marketing materials which make statements concerning prices, terms and conditions of service contain information that adequately discloses the prices, terms and conditions of the products or services that the Applicant is offering or selling to the customer. [451.310(d)(1)]**
33. **Applicant certifies that before any customer is switched from another supplier, Applicant will give the customer written information that adequately discloses, in plain language, the prices, terms and conditions of the products and services being offered and sold to the customer. [451.310(d)(2)]**
34. **Applicant certifies it will provide documentation to the Commission and to customers that substantiates any claims made by the Applicant regarding the technologies and fuel types used to generate the electricity offered or sold to customers. [451.310(d)(3)]**
35. **Applicant certifies it will provide to the customer itemized billing statements that describe the products and services provided to the customer and their prices, and provide an additional statement, at least annually, that adequately discloses the average monthly prices, and the terms and conditions, of the products and services sold to the customer. [451.310(d)(4)]**
36. **Applicant certifies it will include materials comprising the consumer education program (pursuant to Section 16-117 of the Act [220 ILCS 5/16-117]) with all initial mailings to potential residential and small commercial**

retail customers and before executing any agreements or contracts with such customers, and that Applicant will provide these materials at no charge to residential and small commercial retail customers upon request. [451.310(e) and 451.310(f)]

- 37. Applicant certifies it will provide to residential and small commercial retail customers on a semiannual basis information on how to obtain a list of alternative retail electric suppliers that have been found in the last 3 years by the Commission (pursuant to Section 10-108 of the Act [220 ILCS 5/10-108]) to have failed to provide service in accordance with the terms of their contracts (pursuant to Section 16-117(g)(4)(C) of the Act). [451.310(g)]**
- 38. Applicant certifies it will maintain sufficient managerial resources and abilities to provide the service for which it has a certificate of authority. [451.340(d)]**

WHEREFORE, Applicant requests that the Commission grant its application for service authority to serve retail customers of residential, small-to-medium sized businesses, and small-to-medium sized commercial and industrial ("C&I") customers within the State of Illinois.

Respectfully submitted,

XOOM Energy Illinois, LLC (Applicant)

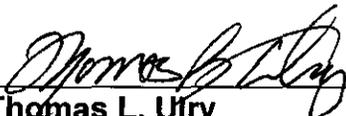
By: 
Thomas L. Ulry, CEO XOOM Energy, LLC
Single-member Manager of XOOM Energy Illinois, LLC

Thomas L. Ulry
Chief Executive Officer
XOOM Energy, LLC
13850 Ballantyne Corporate Place
Suite 150
Charlotte, NC 28277
Phone: (704) 274-1450
Fax: (704) 274-1430

VERIFICATION

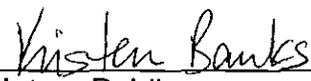
STATE OF North Carolina)
COUNTY OF Mecklenburg) ss:

Thomas L. Ury, being first duly sworn, deposes and says that he is the Chief Executive Officer for XOOM Energy, LLC ("XOOM Energy"), the single-member manager of XOOM Energy Illinois, LLC ("Applicant"); he submits that in accordance with the Applicant's Operating Agreement, the officers of the member-manager XOOM Energy are authorized to enter into agreements and transact business on behalf of Applicant; that he has read the foregoing Application of Applicant, and all of the attachments accompanying and referred to within the Application; and that the statements contained in the Application and the attachments are true, correct and complete to the best of her knowledge, information and belief.

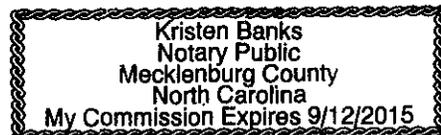


Thomas L. Ury
Chief Executive Officer for XOOM Energy, LLC
Single-Member Manager of XOOM Energy Illinois, LLC

Subscribed and sworn to before me
this 27th day of October 2011.



Notary Public



[Stamp of Notary]

