

**OFFICIAL FILE
ILLINOIS COMMERCE COMMISSION**

BEFORE THE
ILLINOIS COMMERCE COMMISSION

ORIGINAL
ILLINOIS COMMERCE COMMISSION

In the Matter of Application of XOOM Energy Illinois, LLC)
For Confidential Treatment of Dekatherm Report)
)

2013 MAY 30 A 11:00 *AM*
Docket No: 13-0344
CHIEF CLERK'S OFFICE

VERIFIED RESPONSE TO THE ADMINISTRATIVE LAW JUDGE'S RULING

XOOM Energy Illinois, LLC ("XOOM Energy Illinois") submits this Verified Response to the Administrative Law Judge's Ruling concerning XOOM Energy Illinois' Motion for Protective Order for Confidential Treatment of its Dekatherm Report for at least five (5) years because of the competitive harm disclosure of such information likely would cause XOOM Energy Illinois, especially because XOOM Energy Illinois is a privately held company and keeping this confidential financial and proprietary information protected from public disclosure is important to allowing XOOM Energy Illinois to provide a cost effective service that will be competitive in the retail energy market in the state of Illinois.

Request for Confidential Treatment of Proprietary, Financial and Confidential Materials for Five Years

By submitting its Dekatherm Report, XOOM Energy Illinois is demonstrating continuing compliance with the reporting requirements of 83. Ill. Admin. Code Section 551.70. XOOM Energy Illinois considers this information to be highly confidential and proprietary information, the disclosure of which to competitors would be detrimental to XOOM Energy Illinois. Accordingly, releasing this report in two years would be detrimental to the business of XOOM Energy Illinois as it is well known that the retail gas service industry is highly competitive.

Specifically, XOOM Energy Illinois' Dekatherm Report demonstrates the actual amount of XOOM Energy Illinois' natural gas volumes and associated revenue in Illinois, the disclosure of which to competitors, or even potential competitors, would be damaging to XOOM Energy Illinois' business and competitive interests. The information contained in the Dekatherm Report would provide competitors market sensitive information and direct insight to XOOM Energy Illinois' market share and operations, including how active or in-active XOOM Energy Illinois is in Illinois.

Additionally, the information contained in the Dekatherm Report could allow a competitor to access the effectiveness of a sales or marketing campaign over the past year by watching for changes in XOOM Energy Illinois' numbers. It is important to note that no industry discloses the effectiveness of sales campaigns. This information at issue could allow a competitor to review enrollment levels from prior to current years and assess the effectiveness of XOOM Energy Illinois' products and marketing efforts which is highly sensitive information.

Lastly, the information contained in XOOM Energy Illinois' Dekatherm Report could weaken XOOM Energy Illinois' bargaining position in the wholesale market since it would allow a counterparty to know the amount of natural gas XOOM Energy Illinois would need to serve its customers, allowing counterparties to see the approximate need and respond accordingly while negotiating.

The Commission has the authority under Section 200.430 to enter an order protecting the confidentiality of any data or information submitted in a proceeding for up to five years. 83 Ill. Admin. Code 200.430. and, for the reasons set forth above, XOOM Energy Illinois respectfully requests that the Commission exercise its discretion and provide protection and confidential treatment of XOOM Energy Illinois' Dekatherm Report.

Respectfully submitted,

XOOM Energy Illinois, LLC

By: 

Stephanie C. Kueffner

Associate Counsel of XOOM Energy, LLC, single-member manager of XOOM Energy Illinois, LLC

VERIFICATION

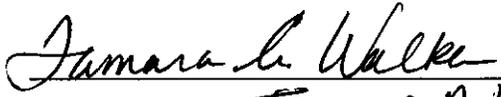
STATE OF NORTH CAROLINA)
COUNTY OF MECKLENBURG)

Michelle W. Harding, being duly sworn, on oath deposed and says that she is the Secretary, Vice President and General Counsel of XOOM Energy, LLC, single member manager of XOOM Energy Illinois and that in accordance with XOOM Energy Illinois, LLC's Operating Agreement is authorized to enter into agreements and transact on behalf of XOOM Energy Illinois and, as such, has read the above and knows of the contents thereof and that the facts are true and correct to the best of her knowledge, information and belief.


Michelle W. Harding

Subscribed and sworn to before me

This 29th day of May, 2013


Notary Public *Tamara A. Walker.*
my commission expires
May 20, 2017

