

In the Matter of Application of XOOM Energy Illinois, LLC)
For Confidential Treatment for 2015 Answer Time/Abandon Time Report)

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CHIEF CLERK'S OFFICE

16-0140

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

I. INTRODUCTION

XOOM Energy Illinois, LLC ("XOOM Energy Illinois") is certified by the Illinois Commerce Commission (the "Commission") as an Alternative Electric Supplier ("ARES") and as an Alternative Gas Supplier ("AGS"). XOOM Energy Illinois hereby petitions the Illinois Commerce Commission (the "Commission") to protect from disclosure for not less than two years highly confidential and proprietary information contained in the Answer Time/Abandon Time Report pursuant to 83 Ill. Admin. Code § 410.45.

This protective order is requested to be in place indefinitely or at least for a period of two (2) years to protect the confidential and proprietary business and financial information contained in XOOM Energy Illinois's Compliance Report.

II. LEGAL STANDARD

The Commission may exempt confidential information from public disclosure through an appropriate representative to issue an order protecting certain proprietary information. 83 Ill. Admin. Code 451.60 states in part that:

"If an ARES...believes any of the information to be disclosed by an ... ARES... is privileged or confidential, the ... ARES... should request that the Commission enter an order to protect the confidential, proprietary or trade secret nature of any data, information or studies pursuant to 83 Ill. Admin. Code 200.430."

Title 83 of the Illinois Administrative Code section 200.430 states in part that:

"A document submitted and marked as proprietary shall be afforded proprietary treatment pending the timely submission of a motion to protect the confidential, proprietary or trade secret nature of that document and a ruling on that motion by the Commission or the Hearing Examiner. (emphasis added).

XOOM Energy Illinois believes in good faith that its annual Answer Time/Abandon Time Report contains trade information and market sensitive information regarding XOOM Energy Illinois' customers. This information constitutes "confidential information" as defined under title 83 of the Code Rules 451.60 and 551.60.

Furthermore, Section 7(g) of the Illinois Freedom of Information Act exempts from public disclosure "trade secrets and commercial or financial information... where the trade secrets or information are proprietary, privileged or confidential." 5 ILCS 140(g). The business information contained in Answer Time/Abandon Time

Report falls within this exemption as this information is not released to the public in any other forum or to any other agency without an accompanying request for confidential treatment.

III. THE MATERIALS ARE PROPRIETARY AND CONFIDENTIAL AND WARRANT PROTECTION FROM DISCLOSURE

Disclosure of this information would reveal sensitive confidential and proprietary information regarding XOOM Energy Illinois' call center and disclosure of this information would also cause competitive harm because this type of competitive data is used to formulate current and future business plans as well as give competitors information about XOOM Energy Illinois' operations that is not available in any other public forum.

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 current and future customers XOOM Energy Illinois who will continue to benefit from XOOM Energy Illinois' ability to obtain a 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.

The Commission has authority under Section 200.430 to enter an order protecting the confidentiality of any data or information submitted in a proceeding. 83 Ill. Admin. Code §200.430. The Commission regularly uses the discretionary language of Section 200.430 to protect confidential business information. XOOM Energy Illinois respectfully requests that the Commission exercise its discretion and provide protection and confidential treatment of XOOM Energy Illinois' Answer Time/Abandon Time Report submitted in support of this motion.

IV. CONCLUSION

WHEREFORE, XOOM Energy Illinois respectfully requests that the Commission enter an Order protecting XOOM Energy Illinois' Answer Time/Abandon Time Report filed pursuant to 83 Ill. Admin. Code § 410.45 from public disclosure. This protective order is requested to be in place at least for a period of two (2) years.

Respectfully Submitted,



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STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

AFFADAVIT OF XOOM ENERGY ILLINOIS, LLC

The undersigned, under oath, deposes and states as follows:

1. My name is David Vail. I am the Chief Financial Officer of XOOM Energy, LLC, a single-member manager of XOOM Energy Illinois, LLC ("ARES") and in my capacity as Chief Financial Officer, I am authorized to execute this Affidavit.
2. I have read the 2015 Answer Time and Abandon Call Report, submitted to the Illinois Commerce Commission pursuant to 83 Ill. Adm. Code §410.45 by XOOM Energy Illinois, LLC and dated February 26th, 2016.
3. I have personal knowledge of the facts discussed in the above-mentioned report and, to the best of my knowledge, information and belief, those facts are true and correct and, if sworn as a witness, I could testify concerning them.
4. This filing contains or reflects commercially or financially sensitive information or trade secrets that are being provided to the Commission on a confidential basis, pursuant to 83 Ill. Adm. Code 455.20. Therefore, the filing includes a "confidential" and a redacted "public" version of the report and attached documentation, with all confidential information marked "Confidential." The reasons for the confidentiality and a public synopsis of the redacted information follows: XOOM Energy Illinois, LLC is a privately held company that provides competitive energy services in Illinois, and the confidentiality of its proprietary and commercially sensitive documents, including this 2015 Answer Time and Abandon Call Report, is important so XOOM Energy Illinois, LLC can provide cost-effective energy services in the competitive retail electricity market in Illinois. The disclosure of this information to the public would give undue advantage to competitors of XOOM Energy Illinois, LLC; conversely, the protection of this information will help safeguard the competitiveness of the retail energy market. This kind of commercially sensitive information is routinely protected from public disclosure in retail electric provider certification proceedings, and such information should be protected here. XOOM has made and will continue to make reasonable efforts to ensure that the information contained in this 2015 Answer Time and Abandon Call Report is not disclosed to the public.



Signature

David Vail, CFO

SWORN TO AND SUBSCRIBED before me

This 4th day of March, 2016

Tamara A Walker Tamara A. Walker

Notary Public In and For the State of North Carolina

My commission expires: May 20, 2017

