

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of XOOM)
Energy Ohio, LLC for Certification as a) Case No. 11-4795-GA-CRS
Competitive Retail Natural Gas Marketer.)

In the Matter of the Application of XOOM)
Energy Ohio, LLC for Certification as a) Case No. 13-1453-EL-CRS
Competitive Retail Generation Provider)
and Power Marketer.)

ENTRY

The attorney examiner finds:

- (1) On June 20, 2013, XOOM Energy Ohio, LLC (XOOM Energy) filed an application for certification as a competitive retail generation provider and power marketer (Case No. 13-1453-EL-CRS). Thereafter, on September 26, 2013, XOOM Energy filed an application for renewal of its certification as a competitive retail natural gas marketer (Case No. 11-4795-GA-CRS). On June 20, 2013, July 10 and 11, 2013, and September 26, 2013, XOOM Energy filed motions for a protective order, pursuant to Rule 4901-1-24(D), Ohio Administrative Code (O.A.C.), requesting that certain exhibits of its applications be kept under seal.
- (2) XOOM Energy's motions indicate that the documents were filed by an attorney not listed with the Ohio Supreme Court as being licensed to practice in Ohio.
- (3) The attorney examiner has advised XOOM Energy that, pursuant to Rule 4901-1-08, O.A.C., the Commission requires all pleadings on behalf of corporations to be filed by an attorney licensed to practice in Ohio. However, an attorney licensed in another state may submit pleadings on behalf of a corporation pursuant to a properly filed *pro hac vice* motion.
- (4) If XOOM Energy wishes its requests for confidential treatment to be considered as motions for a protective order, the documents requesting confidential treatment must be signed by an Ohio attorney or by an out-of-state attorney appearing pursuant to a *pro hac vice* motion. Further, that document,

referencing exhibits A-12, A-17, C-3, C-4, and C-5, filed on June 20, 2013, July 10 and 11, 2013, September 26, 2013, and October 3, 2013, must be filed in this docket on or before December 6, 2013. Failure to submit such motions in the time provided will result in the placement of these confidential exhibits in the open record.

It is, therefore,

ORDERED, That, on or before December 6, 2013, XOOM Energy file motions for a protective order in accordance with Finding (3), if it wishes its request for confidential treatment to apply to the exhibits filed under seal in these cases. It is, further,

ORDERED, That a copies of this entry be served on XOOM Energy and all interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/ Kerry K. Sheets

By: Kerry K. Sheets
Attorney Examiner

jrj/vrm

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in

Case No(s). 11-4795-GA-CRS, 13-1453-EL-CRS

Summary: Attorney Examiner Entry directing XOOM Energy to file motions for a protective order, on or before December 6, 2013, in accordance with Finding (3), if it wishes its requests for confidential treatment to apply to the exhibits filed under seal in these cases; electronically filed by Vesta R Miller on behalf of Kerry K. Sheets, Attorney Examiner, Public Utilities Commission of Ohio