

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

<b>In the Matter of the Commission's</b>	)	
<b>Investigation into XOOM Energy Ohio,</b>	)	
<b>LLC's Compliance with the Ohio</b>	)	<b>Case No. 22-267-GE-COI</b>
<b>Administrative Code and Potential</b>	)	
<b>Remedial Actions for Non-Compliance</b>	)	

**MOTION TO WITHDRAW  
XOOM ENERGY OHIO'S  
INTERLOCUTORY APPEAL,  
REQUEST FOR CERTIFICATION  
AND  
APPLICATION FOR REVIEW**

On May 25, 2022, XOOM Energy Ohio, LLC ("XOOM Energy") filed an Interlocutory Appeal, Request for Certification and Application for Review, after the Attorney Examiner granted the motion to intervene of the Office of the Ohio Consumers' Counsel in this docket. Thereafter, the parties engaged in settlement discussions and a Joint Stipulation and Recommendation ("Stipulation") was filed on August 2, 2023. In accordance with Paragraph K of the Stipulation, XOOM Energy hereby moves to withdraw its pending Interlocutory Appeal, Request for Certification and Application for Review subject to the Commission's approval of the Stipulation without modification.

Respectfully Submitted,

/s/ Michael J. Settineri

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**MEMORANDUM IN SUPPORT  
OF  
MOTION TO WITHDRAW  
XOOM ENERGY OHIO'S  
INTERLOCUTORY APPEAL,  
REQUEST FOR CERTIFICATION  
AND  
APPLICATION FOR REVIEW**

In April 2022, the Commission issued an Entry initiating this proceeding and establishing an initial procedural schedule. The Office of the Ohio Consumers' Counsel ("OCC") moved to intervene in this proceeding on April 29, 2022. The Attorney Examiner granted the motion on May 20, 2022. On May 25, 2022, XOOM Energy Ohio, LLC ("XOOM Energy") timely filed an Interlocutory Appeal, Request for Certification and Application for Review, arguing that the ruling was in error because it was issued without acknowledgement or consideration of XOOM Energy's arguments opposing OCC's intervention and without determining that OCC has the statutory authority to intervene and had met the standard for intervention.

Thereafter, the Staff filed its report of investigation, the procedural schedule was suspended and the parties engaged in settlement discussions. Staff and XOOM Energy reached a resolution of all issues and filed a Joint Stipulation and Recommendation ("Stipulation") on August 2, 2023, in this proceeding. OCC filed a letter the next day stating that it is not opposed to the Stipulation.

Paragraph K of the Stipulation states as follows:

Within 10 business days following execution of this stipulation, XOOM will file with the Commission a motion to withdraw its May 25, 2022 Interlocutory Appeal, Request for Certification, Application for Review and Memorandum in Support with such motion contingent on the Commission approving this Stipulation.

In accordance with its commitment in Paragraph K of the Stipulation, XOOM Energy hereby moves to withdraw its pending Interlocutory Appeal, Request for Certification and

Application for Review. This motion to withdraw is contingent upon the Commission approving the August 2, 2023 Stipulation.

Respectfully Submitted,

/s/ Michael J. Settineri

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### **CERTIFICATE OF SERVICE**

The Public Utilities Commission of Ohio's e-filing system will electronically serve notice of the filing of this document on the parties referenced in the service list of the docket card who have electronically subscribed to this case. In addition, the undersigned certifies that a courtesy copy of the foregoing document is also being served upon the persons below via electronic mail this 15<sup>th</sup> day of August 2023.

Staff of the Public Utilities Commission of  
Ohio

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/s/ Michael J. Settineri  
Michael J. Settineri

**This foregoing document was electronically filed with the Public Utilities  
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**Case No(s). 22-0267-GE-COI**

Summary: Motion to Withdraw Interlocutory Appeal, Request for Certification and Application for Review electronically filed by Mr. Michael J. Settineri on behalf of XOOM Energy Ohio, LLC.