

April 20<sup>th</sup>, 2011

Kirsten Walli  
Board Secretary  
Ontario Energy Board  
P.O. Box 2319  
2300 Yonge Street, 27th Floor,  
Toronto, ON M4P 1E4

Dear Ms. Walli:

**Re: EB-2011-0004: Establishment, Implementation and Promotion of a Smart Grid in Ontario**

Just Energy Ontario L.P. ("Just Energy") would like to submit the following comments for the above referenced file before the Ontario Energy Board ("OEB" or "the Board") as part of the Board's consultation process to develop a renewed regulatory framework for electricity distributors and transmitters ("RRFE"). Should you have any questions or comments in response to these comments please do not hesitate to contact Nola Ruzycki, Vice President of Regulatory Affairs Canada, or Brandon Ott, Manager of Regulatory Affairs Canada. Yours truly,

Kind regards,

Handwritten signature of Nola L. Ruzycki in black ink.

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Handwritten signature of Brandon Ott in black ink.

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**Comments:**

**1 a) On page 48 of the *Staff Discussion Paper in regard to the Establishment, Implementation and Promotion of a Smart Grid in Ontario* Board Staff state that;**

*“Interval data (i.e. billing quality data) processed by distributors can be provided to retailers by means of the Electronic Business Transactions (EBT) system, however the provision of smart meter data is currently not permitted under the RSC. This prohibition was included in the RSC to allow for the transition to smart meters and the MDM/R.”*

Board staff later state that, *“Any consumer has the right to access the “raw data” produced by the meter attached to their location and to assign this right to third parties...”*

According to the Boards news release entitled *OEB Adjusts Electricity Prices for Residential and Small Business Consumers* dated April 19<sup>th</sup>, 2012 approximately 81% of residential and small business customers in Ontario are now on Time-of-Use (TOU) billing. Given that smart meter implementation is well underway in Ontario, that through the MDM/R and EBT systems retailers could have access to customer interval data, and that customers currently have the right to assign access to this data to an electricity retailer, what steps need to be taken aside from a revision to the Retail Settlement Code to allow electricity retailers access to this data?

**1 b) When can retailers expect to start receiving TOU data from the utilities given that 81% of the customers are now on TOU billing?**

**2) On page 49 of the *Staff Discussion Paper in regard to the Establishment, Implementation and Promotion of a Smart Grid in Ontario* Board Staff state that;**

*“.. in Ontario at present it is not possible to reconcile continuous displays of cost with billing data. The main reason for this is that the Global Adjustment (GA) portion of the cost cannot be derived on a real time basis as it is a function of monthly costs. For most residential and low-volume consumers these costs are captured in the Regulated Price Plan (RPP) rates ...For consumers served by retailers or paying the spot price for electricity, the exact value of the GA applicable to “real-time” consumption cannot be known until the end of the billing month.”*

Just Energy would ask whether Board Staff have considered potential avenues for estimating or pro-rating Global Adjustment charges for the purpose of smart grid integration. Just Energy also makes note that should regulated utilities making use of RPP pricing be allowed to participate in a competitive technology and innovation market beyond-the-meter the nature of the Global Adjustment charge for customers of electricity retailers could severely hinder the competitiveness of retail offerings.

**3) On page 48 of the *Staff Discussion Paper in regard to the Establishment, Implementation and Promotion of a Smart Grid in Ontario* Board Staff bring attention to;**

*“..the importance of clear lines of demarcation between rate supported activities and activities that are beyond the scope of the regulated utility.”*

Just Energy would ask what value the Board Staff or participants in the RRFE consultation do or do not see in placing control of beyond-the-meter activities within the purview of regulated utilities. It is the view of Just Energy that beyond-the-meter activities should not be within the scope of regulated utilities in Ontario. These services are inherently different from regulated distribution in the sense that they are not an essential or mandatory service for all customers and they do not create a natural monopoly. Beyond-the-meter activities can be and are being performed by independent third parties in North America. Extending the scope of the regulated utility into this space in Ontario stands to place these third party providers in a position of non-competition as a result of the electricity distributor's unparalleled access to electricity consumers. Should distributors wish to participate in this space they should be required to do so via an arm's length affiliate that must adhere to the same rules as all other market participants, as is the case in the provision of other unregulated services such as independent electricity supply.

**4) On page 50 of the *Staff Discussion Paper in regard to the Establishment, Implementation and Promotion of a Smart Grid in Ontario* Board Staff state that;**

*"Currently only licensed retailers may access customers' billing data with the consent of the customer..."*

Just Energy would ask the Board Staff to comment on how the application of a smart grid will or will not alter the reasoning behind restricting this information access to licensed energy suppliers. It is the opinion of Just Energy that current restrictions of access to consumer billing data should experience little or no change as a result of the implementation of a Smart Grid in Ontario. Should other third parties wish to gain similar access to consumer billing data Just Energy would argue that a level of accountability equivalent to that currently imposed on electricity retailers must be put in place.