

## ONTARIO ENERGY BOARD

**IN THE MATTER OF** subsections 74 and 78(2.1), (3.0.1), (3.0.2) and (3.0.3) of the *Ontario Energy Board Act, 1998*;

**AND IN THE MATTER OF** subsection 53.8(8) of the *Electricity Act, 1998*;

**AND IN THE MATTER OF** Ontario Regulation 453/06 made under the *Ontario Energy Board Act, 1998*;

**AND IN THE MATTER OF** an Application by the Independent Electricity System Operator, designated as the Smart Metering Entity, for an Order approving fees for access to data by third parties

### APPLICATION

1. The applicant, the Independent Electricity System Operator ("IESO"), is a corporation without share capital continued under Part II of the *Electricity Act, 1998* ("Electricity Act").
2. On March 28, 2007, the IESO was designated as the Smart Metering Entity ("SME") by Ontario Regulation 393/07 made under the *Electricity Act*. The regulation came into effect on July 26, 2007. The objects of the SME as outlined in the *Electricity Act* include, in addition to other objects and business activities, to facilitate the collection and management of information and data and to store the information and data related to the metering of consumers' consumption or use of electricity in Ontario and to provide and promote non-discriminatory access by distributors, retailers, the IESO and other persons to this information and data.

3. On September 30, 2016 the SME filed an application with the Ontario Energy Board ("OEB") to renew its licence, EB-2016-0284. A Third Party Access Implementation Plan for third party access to the data in the Meter Data Management Repository ("MDM/R") ("Implementation Plan") was included in the application as Appendix A. In its November 24, 2016 decision the OEB renewed the SME's licence and required the SME to collect the following information associated with each smart meter (modified where necessary to sufficiently render it non-personal information):
  - (a) The postal code;
  - (b) The distributor rate class;
  - (c) The commodity rate class; and
  - (d) Occupant change data.
4. Any reference to "data" in this application means any of the information and data related to the metering of consumers' consumption or use of electricity in Ontario, including the information required to be collected by the OEB, as noted in paragraph 3, above.
5. The SME began collecting the data on January 1, 2017 as required by the OEB. Since that date the SME has been consulting and working with stakeholders on providing third-parties with access to the data. The SME now proposes to provide third-party access to the data as described in this application.
6. The SME, hereby applies to the OEB for an order under subsections 74, 78(2.1), (3.0.1), (3.0.2) and (3.0.3) of the *Ontario Energy Board Act, 1998* ("OEB Act"):
  - (a) authorizing the SME to charge market price for third party access ("TPA") to the data;

- (b) any reference to "market price" in this application means the service provided by the SME through a competitive market-based model where prices will be set based on what the market is prepared to pay;
  - (c) approving the establishment of a new sub-account, the Benefits Account, under the Balancing Variance Account ("BVA") to track the net revenue generated from TPA; and
  - (d) amending the SME's licence to allow the SME to:
    - (i) provide access to the data to any person who meets the terms of access established by the SME and enters into a Data Use Agreement ("DUA") with the SME; and
    - (ii) annually report the net revenue generated by TPA accumulated in the Benefits Account, a sub-account of the BVA.
7. The SME has filed evidence in support of this application as identified in the Exhibit List. The SME may amend its pre-filed evidence from time to time prior to, and during, the course of the OEB's proceeding. In particular, should the SME identify a material change to its application, the SME will advise the OEB and update its pre-filed evidence. The SME reserves the right to amend its application accordingly, including making any necessary adjustments to the orders sought in this application.
8. The SME requests that a copy of all documents filed with the OEB by each party to this proceeding be served on the SME and the SME's counsel in this proceeding, as follows:

(a) The SME:

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(b) The SME's counsel:


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DATED at Toronto, Ontario, this 4<sup>th</sup> day of December, 2018

**INDEPENDENT ELECTRICITY SYSTEM  
OPERATOR**



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By its counsel in this proceeding  
Patrick G. Duffy

**SMART METERING ENTITY  
FEES FOR ACCESS TO DATA BY THIRD PARTIES  
(EB-2018-0316)**

**EXHIBIT LIST**

<b>Exhibit</b>	<b>Tab</b>	<b>Schedule</b>	<b><u>Description</u></b>
<b>A – ADMINISTRATION</b>			
<b>A</b>	<b>1</b>	<b>1</b>	Application
<b>A</b>	<b>2</b>	<b>1</b>	Exhibit List
<b>A</b>	<b>3</b>	<b>1</b>	Background
<b>B – SUPPORTING EVIDENCE</b>			
<b>B</b>	<b>1</b>	<b>1</b>	Terms of Access Principles
<b>B</b>	<b>2</b>	<b>1</b>	The Proposed Data Products
<b>B</b>	<b>3</b>	<b>1</b>	The Proposed Pricing Model
<b>B</b>	<b>4</b>	<b>1</b>	SME Variance Accounts
<b>B</b>	<b>5</b>	<b>1</b>	Consultations on Third Party Access <u>Attachment 1</u> – SME presentation - November 9, 2018 <u>Attachment 2</u> – SAC minutes / records of most recent presentation materials <u>Attachment 3</u> – DSAC membership list
<b>B</b>	<b>6</b>	<b>1</b>	Prior OEB Decisions Approving Licence Amendments

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1 **BACKGROUND**

2 On January 26, 2016, the OEB issued a decision renewing the SME's licence to December 31,  
3 2016, and requiring the SME to collect certain information and data, as noted in paragraph 3 of  
4 this Application (Exhibit A-1-1), and to prepare and file a plan to provide access to the data to  
5 third parties.

6 On September 30, 2016, the SME filed an application to renew its licence for five years, which  
7 included the Implementation Plan as Appendix A to the application. The application was  
8 approved as filed by the OEB in a decision issued on November 24, 2016.

9 On August 31, 2017 the SME filed an application for the SMC and the SME's revenue  
10 requirement for the period January 1, 2018 to December 31, 2021 (EB-2017-0290). The  
11 application included evidence on the status of implementing TPA and next steps<sup>1</sup>. The SME  
12 and intervenors reached settlement on all issues and the OEB approved the settlement proposal  
13 on March 1, 2018.

14 The evidence in the SMC application provided an update on the actions and stakeholdering  
15 conducted up to August 31, 2017 and described the SME's intent to make a TPA submission to  
16 the OEB in 2018 with a proposed pricing model for the data, one that would leverage the value  
17 of the data to provide a benefit to the SME ratepayers.

18 Since filing the SMC application the SME has continued to engage with stakeholders and work  
19 on the development of TPA through multiple forums, including the Data Strategy Advisory  
20 Council ("DSAC"), the SME Steering Committee ("SSC"), the IESO's Stakeholder Advisory  
21 Committee ("SAC"), meetings with the Information and Privacy Commissioner of Ontario  
22 ("IPC") and with the public at large through two public webinars. The stakeholdering by the  
23 SME is discussed in further detail at Exhibit B-5-1.

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<sup>1</sup> EB-2017-0290, Exhibit C-1-1 – Third Party Access Status and Next Steps

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1 destruction of the data. The SME will modify or deny any request for access to the data  
2 that may compromise the safeguards or the security of any of the data.

3 (c) **Ethical Works** – the SME has high ethical standards and promotes the ethical use of the  
4 data. The SME reserves the right to deny or modify a request that is not in keeping with  
5 SME’s ethical standards as determined by the SME, including, as applicable, with input  
6 from its independent third party access Ethics Review Committee as discussed on  
7 page 3, below.

8 (d) **Compliance** – The SME is a creature of statute and is a regulated entity. The SME acts in  
9 accordance with its legal and regulatory obligations, and will assess each request to  
10 ensure fulling such a request would not interfere with its ability to adhere to its  
11 legislative and regulatory requirements.

12 (e) **Ratepayer value** – The SME will undertake third party access in a manner that recovers  
13 costs and provides value to the SME’s ratepayer. The SME will create value for the SME  
14 ratepayer by returning net revenues to the ratepayer, as well as providing a public  
15 benefit through the generation of accessible reports for the public good.

16 (f) **Accessibility** – The SME is committed to treating all people in a way that respects their  
17 dignity and independence and meeting the needs of stakeholders with disabilities in a  
18 timely manner. In considering an access to information request, the SME will take  
19 reasonable measures to prevent and remove barriers to accessibility and to meet the  
20 requirements under the *Accessibility for Ontarians with Disabilities Act, 2005*.

21 (g) **Quality** – The SME wants to be a source for clear, reliable data. Where a request seeks  
22 data that is not of a sufficiently high quality, the SME reserves the right to deny or  
23 modify such a request.

24 (h) **Technology** – The SME works with sophisticated technology, and will ensure that those  
25 requesting access to the data have a sufficient minimum level of technological capability  
26 to receive, handle, safeguard and securely destroy the data. The SME reserves the right

1 to deny or modify a request where the requester does not have sufficient technical  
2 capabilities or controls in place.

### 3 **Contractual Terms Upon Which Access Will be Granted**

4 The SME will enter into a DUA with each person that will be granted TPA to the data. While the  
5 specific terms of any agreement may vary, broadly speaking the DUA will include the following  
6 provisions; namely it will:

- 7 (a) Set out the authorized purpose for which the data is to be used, and make clear that the  
8 data shall only be used for such authorized purpose;
- 9 (b) Make clear the respective parties' rights, title and interest in the data;
- 10 (c) Require the person requesting the data to agree not to re-identify or attempt to re-  
11 identify the data;
- 12 (d) Place appropriate safeguards and security obligations on the party requesting access to  
13 the data;
- 14 (e) Require the person requesting access to the data to have in place sufficient policies and  
15 procedures to provide for the security of the data, including those relating to the  
16 retention and destruction of information;
- 17 (f) Limit sharing the data to only those persons who have been granted access to the data in  
18 accordance with the DUA;
- 19 (g) In the event of any security incident or breach, specify that the data requestor must  
20 notify the SME;
- 21 (h) Require the parties to keep the data confidential, except as expressly set out in the DUA;  
22 and
- 23 (i) Make clear that the SME has the authority to assess and verify compliance with the  
24 terms of the DUA.

### 25 **Ethics Review Committee**

26 As noted on page 2, item (c) Ethical Works, enabling access to the data by third parties entails  
27 the responsibility of ensuring that the data provided by the SME is used for only ethical  
28 purposes. Therefore, the SME will evaluate each request to determine whether the request  
29 would promote the ethical use of the data. Where the SME has concerns about the ethical use of

1 the data, as set out in its Implementation Plan, it will engage an Ethics Review Committee  
2 (“Committee”). While de-identification techniques protect against the re-identification of a  
3 premise, they do not protect against the disclosure of attributes relating to groups of individuals  
4 that may lead to non-ethical uses of data.

5 The Committee will provide guidance and support to the SME, as needed, on issues affecting  
6 TPA in general and on a case by case basis, providing guidance as required, for specific requests  
7 to access the data. The members of the Committee will be chosen by the SME, from reputable  
8 industry experts, who will be summoned as required to provide input and guidance to the SME  
9 on specific matters.

## THE PROPOSED DATA PRODUCTS

The SME anticipates that there will be interest from both the private and public sector to utilize the data.

The SME expects to initially have the following three types of offerings:

- (a) Public Offerings – high level aggregations (no further de-identification required, reports available at no cost to third parties);
- (b) Standard Private Offerings – pre-designed extracts based on popular data requests, with standard, validated de-identification filters; and
- (c) Custom Offerings – unique (or first-time) data requests that will require a custom approach to the provision of access.

### **Public Offerings**

These products will be available without charge through a publicly accessible webpage; those who access these products will be required to agree to certain terms and conditions before access will be granted.

These highly aggregated products, will be standard reports that meet or exceed public level de-identification rules and will be available without charge, through a publicly accessible webpage; Sample sets may include: monthly, seasonal or quarterly aggregated consumption data by Postal District (i.e. first digit of the Postal Code).

### **Standard Private Offerings**

Standard private offerings will be made available at a cost to third party requestors who will be also be required to sign a form of a Data Use Agreement (DUA).

SME's stakeholdering and development of the DSAC pilots established an interest from a number of third parties in de-identified electricity consumption data for several purposes, including:

- (a) to support community energy plans for municipalities;

- 1 (b) to identify areas of priority for energy efficiency; and  
2 (c) to establish baselines to measure progress toward specific regional goals.
- 3 A number of standard products can be developed that would support the need for such  
4 information, with some examples provided below:
- 5 (a) Hourly or daily consumption data aggregated by 6, 5, 4 or 3 digit Postal Code at the  
6 municipal level, specifying the Distributor Rate Class and Commodity Rate Class; and  
7 (b) Visualization, such as choropleth maps<sup>1</sup>, displaying consumption data by sectors for a  
8 given time period.

9 **Custom Private Offerings**

10 Private and public organizations may require a level of customization, either in the format in  
11 which the data would be delivered, or in the additional values derived from consumption data  
12 (e.g. certain percentiles, standard deviations, etc.). While some custom reports may only require  
13 modifications to existing standard queries, others may require more thorough consideration as  
14 well as custom and more complex data and context risk assessments, and the application of  
15 additional de-identification parameters.

16 The experience with the DSAC pilot cases has shown that the rules and protocols of de-  
17 identification can be applied for a set of requests with the same variables, and standardization  
18 of the output files or services may benefit some users.

19 Over time as market exposure increases and the SME gains a greater understanding of market  
20 demand for the data and combinations of the data with other information it is anticipated that  
21 the SME will expand its offerings with new and additional products and formats for value  
22 creation.

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<sup>1</sup> A **Choropleth** map is a thematic map in which areas are shaded or patterned, by geographical boundaries, in proportion to the measurement of the statistical variable being displayed on the map, such as population density or per-capita income.

1 **THE PROPOSED PRICING MODEL**

2 Except for public offerings, the SME proposes to charge third parties market prices for access to  
3 the data. The OEB will retain oversight of the net revenue generated as a result of TPA through  
4 the SME's annual filing, by May 31<sup>st</sup> each year, which will include the Benefits Account in the  
5 BVA.

6 The SME's proposed pricing model will generate revenue based on a formula which accounts  
7 for the depth (most granular data point is hourly electricity consumptions) and breadth  
8 (geography, with highest being the total number of smart meters with collected data) of the  
9 data. For example, requests for access seeking more detailed data, either from a larger number  
10 of postal codes, or the level of granularity of consumption, may cost more than requests for less  
11 detailed data.

12 It is anticipated that in time, the SME's product offering and value creation formats will evolve.  
13 While these have not been determined at this time they may include:

- 14 (a) offering subscription services such as regular updates;
- 15 (b) charging a royalty to organizations committed to long term business with the SME; and
- 16 (c) implementing usage discounts to account for volumes and long term commitments.

17 The market price that the SME will be charging will ensure full cost recovery of all costs related  
18 to data extraction and additional analysis, as required, from the third parties, such that the  
19 SME's ratepayers will not subsidize TPA.

20 The SME will track its costs associated with providing TPA and recover these through the price  
21 charged to third parties for access.

1 The SME anticipates the costs to provide TPA will include the following categories:

- 2 (a) SME staff costs for employees dedicated to the SME (data analysts, developer, project  
3 manager, management, others);
- 4 (b) costs for services from the IESO staff that are not dedicated to the SME (legal, regulatory,  
5 communications, others); and
- 6 (c) external legal, consultants or other costs incurred by the SME to review and assess  
7 applications and privacy requirements incurred in the development of products and  
8 pricing and applications for access.

9 In its 2018 Revenue Requirement Submission<sup>1</sup>, the IESO filed a cost allocation study prepared  
10 by an independent consultant, BDR North America Inc. (the "BDR Allocation Study")<sup>2</sup>. The  
11 SME reviewed the BDR Allocation Study and will be following the recommendations and  
12 conclusions in the study to ensure that SME ratepayers will not be subsidizing TPA.

13 The SME will work to ensure that TPA related costs are charged to TPA by implementing the  
14 recommendations in the BDR Allocation Study, including:

- 15 (a) the detailed tracking of time used by employees on tasks and the allocation of vendor  
16 costs that directly serve TPA functions; and
- 17 (b) the use of a time tracking system to allocate total employee compensation costs (salary,  
18 pension and benefits) to TPA functions.

19 The SME has prepared the time tracking system that will be used by its staff to track any time  
20 spent in support of TPA activities. The SME has also prepared its bill tracking system to allow  
21 all bills related to TPA to be allocated as supporting TPA activities in general or to individual  
22 TPA applications as appropriate.

23 The SME's work on TPA may be supported by resources from the IESO's mainstream business  
24 as required, primarily in the areas of finance, settlements, legal, regulatory, information  
25 technology, and human resources. This support work will be resourced on a time and material  
26 basis. The IESO will fully allocate and bill the SME for all staff time or resources used to assist

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<sup>1</sup> EB-2018-0143

<sup>2</sup> Report on Methodology for the Allocation of Shared Costs To Certain Identified Activities



1 in the provision of TPA in a manner consistent with the recommendations in the BDR  
2 Allocation Study.  
3 The SME will track all costs in providing TPA so that no TPA related costs will flow back or be  
4 charged to SME ratepayers unless TPA related work is required by regulatory or licence  
5 requirements.



## SME VARIANCE ACCOUNTS

All net revenues from TPA will be accumulated and tracked in a new sub-account, the Benefits Account, under the BVA. Any net revenue from TPA will be utilized for the benefit of the SME's ratepayers.

In its March 1, 2018, Decision and Order on the SMC application, the OEB approved the establishment of the BVA and approved three sub-accounts of the BVA which are described below:

- (a) *Costs Account* - to record any changes in the SME's forecast costs;
- (b) *Revenue Account* - to record any revenue surplus or deficiency relative to the forecast revenue; and
- (c) *Service Level Credits Account* - to record any service level credits received by the SME from IBM or distribution to MDM/R service recipients under section 7.6 of the previous SME/LDC Agreement.

The BVA was proposed by the SME as it was recognized that its actual costs and revenues would vary from the assumptions used to calculate the SMC. As a result, at any point in time there could be either an over-collection or under-collection of revenue by the SME.

The OEB approved a threshold of \$0.05 per meter as a reasonable threshold for the rebating funds to ratepayers and to avoid the administrative burden of rebating an amount below the threshold. The calculation to apply the threshold is the surplus in the BVA in excess of the proposed operating reserve of \$2.5 million, divided by the number of meters in the most recently published OEB Yearbook. If the resulting amount exceeds \$0.05 per meter then the amount will be rebated back to ratepayers.

This rebate is automatically administered three months after the filing of the SME's annual report with the OEB on April 30th.

1 The SME is seeking approval to establish a new sub-account under the BVA, the Benefits  
2 Account. The proposed Benefits Account will track the net revenues generated by TPA.  
3 The SME will report on the balance in the BVA and each of the associated sub-accounts in the  
4 annual report which will be filed with the OEB by May 31st each year as approved in the OEB  
5 decision on the SMC application.  
6 The SME is not proposing to alter the operating reserve of \$2.5 million in the BVA or the  
7 methodology used to calculate the return of funds to SME ratepayers when funds in the BVA  
8 are in excess of the approved operating reserve, both of which were approved in the OEB  
9 decision on the SMC application (EB-2017-0290). As such, any net revenue earned from TPA  
10 will be the benefit of SME ratepayers.

1 **CONSULTATIONS ON THIRD PARTY ACCESS**

2 The consultations and stakeholdering undertaken by the SME on TPA up to August 2017 was  
3 described in the SMC application. Since that time the SME has continued to consult through the  
4 DSAC, the IESO's Stakeholder Advisory Committee and with the public through two public  
5 webinars.

6 On November 9, 2018, the SME held its second public webinar concerning third party access.  
7 There were 42 participants, representing a broad range of audiences. The SME's presentation  
8 provided at the webinar is included in this application as Attachment 1 to this exhibit. The  
9 presentation materials and the recordings of the two webinars held, November 9, 2018 and  
10 November 7, 2017, are available on the IESO's stakeholder engagement webpage at the  
11 following location:

- 12 a) SME presentation: [http://www.ieso.ca/Sector-Participants/Engagement-](http://www.ieso.ca/Sector-Participants/Engagement-Initiatives/Engagements/Smart-Metering-Entity-Third-Party-Access-Implementation-Plan)  
13 [Initiatives/Engagements/Smart-Metering-Entity-Third-Party-Access-Implementation-](http://www.ieso.ca/Sector-Participants/Engagement-Initiatives/Engagements/Smart-Metering-Entity-Third-Party-Access-Implementation-Plan)  
14 [Plan](http://www.ieso.ca/Sector-Participants/Engagement-Initiatives/Engagements/Smart-Metering-Entity-Third-Party-Access-Implementation-Plan)

15 On October 17, 2018 the SME provided an update on third party access to the IESO's SAC  
16 which is included as Attachment 2 to this exhibit. The SME also made provided an update to  
17 the SAC on April 27, 2018 and that presentation and the minutes from both meetings are  
18 available on the IESO's website at the following location:

- 19 b) SAC: [http://www.ieso.ca/sector-participants/engagement-initiatives/stakeholder-](http://www.ieso.ca/sector-participants/engagement-initiatives/stakeholder-advisory-committee/meetings-and-materials)  
20 [advisory-committee/meetings-and-materials](http://www.ieso.ca/sector-participants/engagement-initiatives/stakeholder-advisory-committee/meetings-and-materials)

21 The SME's Data Strategy Advisory Council assisted the SME in the development of third party  
22 access through multiple meetings beginning in June, 2017. Stakeholders participating in the  
23 DSAC included LDCs and private companies with observers from the OEB, Electricity  
24 Distributors Association and provincial government and the DSAC membership list is included

- 1 as Attachment 3 to this exhibit. Agenda's, presentation materials and minutes from each DSAC
- 2 meeting are available on the IESO's website at the following location:
- 3 c) DSAC: <http://www.ieso.ca/sector-participants/smart-metering-entity/data->
- 4 [strategy-advisory-council](http://www.ieso.ca/sector-participants/smart-metering-entity/data-strategy-advisory-council)

1                   **PRIOR OEB DECISIONS APPROVING LICENCE AMENDMENTS**

2       Subsections 78(2.1), (3.0.1), (3.0.2) and (3.0.3) of the *Ontario Energy Board Act, 1998* ("OEB Act")  
3       establish that the OEB approval is required for any fee(s) the SME charges.

4       Section 74 of the OEB Act allows the OEB to amend any licence issued by the OEB. The SME is  
5       seeking the OEB to amend its licence as allowed under section 74 to allow the SME to charge  
6       market prices for TPA to the data, upon appropriate terms.

7       The SME is aware of two instances where the OEB has determined that it would allow licenced  
8       entities to charge market pricing for a service. In these decisions the OEB utilized section 74 of  
9       the OEB Act to amend their licences to allow them to charge market rates for this service. These  
10      decisions are described below:

11      (a) Toronto Hydro-Electric System Limited ("Toronto Hydro") was required by a March 7,  
12      2005 Decision and Order in EB-2003-0049 to give Canadian carriers and cable companies  
13      access to its distribution poles for wireless attachments at a regulated rate<sup>1</sup>. A May 16,  
14      2014 oral Decision<sup>2</sup> approved a licence amendment under section 74 of the OEB Act to  
15      allow Toronto Hydro to charge market rates for wireless pole attachments<sup>3</sup>; and

16      (b) A January 2016 decision approved licence amendments, under section 74 of the OEB  
17      Act, allowing electric LDCs to charge market rates for wireless pole attachments<sup>4</sup>. This  
18      decision followed a consultation by the OEB<sup>5</sup>, the Wireless Attachment Consultation, in  
19      which "The comments received generally support that electricity distributors should be  
20      able to charge market rates for wireless pole attachments."<sup>6</sup> In this decision, the OEB  
21      stated that it was "in the public interest to amend the licences of all rate-regulated  
22      electricity distributors in order to allow them to charge market rates for wireless pole  
23      attachments."<sup>7</sup> And ordered that electricity distribution licences be amended to include

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<sup>1</sup> OEB staff submission, EB-2013-0234, May 15, 2014, page 1

<sup>2</sup> EB-2013-0234, Oral Decision, May 16, 2014

<sup>3</sup> Please see the oral transcript in EB-2013-0234 for discussion of the deemed provision

<sup>4</sup> EB-2016-0015, Decision and Order, January 28, 2016

<sup>5</sup> EB-2014-0365, the Wireless Attachment Consultation, initiated December 11, 2014

<sup>6</sup> EB-2014-0365, July 30, 2015, OEB letter on next steps

<sup>7</sup> EB-2016-0015, Decision and Order, January 28, 2016, page 2

1 the following wording which had been included in Toronto Hydro's licence since 2014  
2 as shown below:

3 The Licensee shall:

- 4 (a) annually report the net revenue, and the calculations used to determine that net  
5 revenue, earned from allowing wireless attachments to its poles. Net revenues will  
6 be accumulated in a deferral account approved by the Board;  
7 (b) credit that net revenue against its revenue requirement subject to Board approval in  
8 rate proceedings; and  
9 (c) provide access for wireless attachments to its poles on commercial terms normally  
10 found in a competitive market. [emphasis added]

11 In each of these decisions, the OEB determined it would not continue to regulate the pricing for  
12 a service or services provided by licenced entities as this was in the public interest.

13 In this application, the SME is seeking similar licence amendments as those provided in the  
14 decision on wireless attachment as described above to allow it to:

- 15 (a) provide access to the data to any person who meets the terms of access established by  
16 the SME and enters into a DUA with the SME; and  
17 (b) annually report the net revenue generated by TPA which will be tracked in the Benefits  
18 Account, a sub-account of the BVA.

19 Third party access to the data is a service which the SME has not previously provided and  
20 which the OEB has not previously regulated. However, it is envisioned that this service would  
21 be provided through a competitive market-based model where prices will be set based on the  
22 characteristics of the data and what the market is prepared to pay. This is in the best interest of  
23 SME ratepayers as the financial risk to the SME's ratepayers is minimal, given that the proposed  
24 pricing model will recover the costs incurred by the SME associated with providing the service.  
25 As explained above, there is the potential for significant financial benefit for the SME ratepayer.  
26 Transparency will be maintained as the SME will report annually on the net revenues generated  
27 through TPA.