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February 25, 2019

Reply To: Thomas Brett
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Our File No. 185554

VIA RESS, EMAIL AND COURIER

Ontario Energy Board
2300 Yonge Street
27th Floor
Toronto, Ontario
M4P 1E4

Attention: Kirsten Walli,
Board Secretary

Dear Ms. Walli:

**Re: EB-2018-0316: IESO, SME Application
– Fees for Third Party Access to Meter Data**

Please find enclosed herewith BOMA's Interrogatories.

Yours truly,

FOGLER, RUBINOFF LLP



Thomas Brett

TB/dd

Encls.

cc: All Parties (*via email*)

ONTARIO ENERGY BOARD

**Independent Electricity System Operator (IESO),
in its capacity as the Smart Metering Entity**

**Application for approval to provide access to certain non-personal data
to third parties at market prices**

Interrogatories of

Building Owners and Managers Association of Greater Toronto ("BOMA")

February 25, 2019

Tom Brett
Fogler, Rubinoff LLP
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Counsel for BOMA

Interrogatories of BOMA

1. ***Ref: Exhibit B, Tab 3, Schedule 1***

Please provide the costs to date, for each year commencing in 2016 and including 2017 and 2018 of developing and implementing the third party access ("TPA") together with the forecast for 2019 and to the extent possible 2020. Please break down the costs into traditional components, such as:

- compensation of employees;
- consultants' costs;
- fully allocated management and overhead costs from the SME and the IESO; and
- all other capital and OM&A costs shown separately.

2. ***Ref: General***

Please provide the methodology for calculating net revenues and for allocating those net revenues to ratepayers.

3. ***Ref: General***

Please provide a copy of a template (model) third party access agreement. BOMA understands that the actual agreement with any particular user will be customized to provide specific information as to the package of data being offered, price, and agreement term, but the model agreement would be very helpful to place the proposed terms and conditions in context.

4. **Ref: General**

What are the objectives of the TPA access program over and above generating additional revenue for ratepayers? Please discuss fully.

5. **Ref: General**

Please discuss the privacy issues raised by, and dealt with, in the third party access proposal, as well as a proposed solution to those issues. Please provide a copy of any background studies on the privacy issue commissioned by SME.

6. **Ref: General**

How many FTEs are currently, or will be, dedicated to the implementation and operation of the program (in 2018 and 2019)?

7. **Ref: Exhibit A, Tab 1, Schedule 1, p3**

(a) Please explain SME's understanding of the existing market for the data proposed to be sold? Is there currently a transparent market in Ontario from which a range of prices can be determined? If not, how does SME propose to establish a market price?

(b) Please confirm that the SME will be the sole provider of the referenced data in Ontario.

(c) How will the SME determine what a buyer is prepared to pay or can afford to pay?

(d) Please provide any studies that SME has commissioned with respect to the market, pricing, and economic viability of the program, as well as any analogous programs and/or precedents.

8. **Ref: Exhibit D, Tab 1, Schedule 1, p2**

Please confirm that the SME will maintain a separate account which reflects the costs and the revenues of the TPA program, which will allow the Board and parties to ascertain the performance of the program on a ("standalone basis").

9. **Ref: Exhibit D, Tab 1, Schedule 1, p3**

Please describe the remedies that the SME will have either contractually or otherwise, in the event that a third party is determined to be breaching the terms of the data use agreement.

10. **Ref: Ibid**

Please provide examples of what the SME considers unethical use of acquired data, as well as a definition of "ethical purposes".

11. **Ref: Ibid**

Please provide a list of public sector bodies, or categories of public sector bodies, that have been determined to have free access to the data. Will these entities be required to sign the data access agreement, and if not, why not?

12. **Ref: Ibid**

Why will the SME only track costs in providing the TPA where the TPA related work is not required by regulatory or licensed requirements. Please explain fully. (BOMA does

not understand the distinction SME is making between the two categories of costs because all costs of the TPA originate from regulatory decisions).

13. **Ref: General**

In SME's view, who owns the customer data to be provided under the TPA?

14. **Ref: Third Party Access Update, October 17, 2018, p5**

Please provide a copy of the financial model.

15. **Ref: Ibid, p14**

Please provide a copy of the privacy analytics report to the IESO.

16. **Ref: Ibid, p15**

Did the SME charge the participants in the pilot plans for the use of the data?

17. **Ref: General**

Why did the Data Advisory Committee not include any end use energy consumers?

Please explain fully.

18. **Ref: General**

In the event revenues from the TPA program are less than the cost of developing and operating that program, what entity would be responsible for the deficit? Please confirm that the ratepayers would not be responsible for absorbing any program deficit.