#### **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

# AFFIDAVIT OF MIRIAM HEINZ (sworn January 10, 2019)

I, **Miriam Heinz**, of the City of Toronto in the Province of Ontario, MAKE OATH AND SAY AS FOLLOWS:

- 1. I am employed as Advisor, Regulatory Affairs, with the Independent Electricity System Operator ("IESO") and as such have knowledge of the matters hereinafter deposed to.
- 2. On January 9, 2019 the Ontario Energy Board ("OEB") issued the Notice of Application ("Notice") for OEB proceeding EB-2018-0316 and by Letter of Direction (attached as **Exhibit "A"** hereto) directed the IESO, to undertake a number of steps.
- 3. Pursuant to paragraphs 1 and 2 of the Letter of Direction, on January 10, 2019 the IESO filed with the OEB a pdf version of the complete (dated) Notice (Dated Notice) in both English and French. A copy of the email sent to the OEB including confirmation of electronic filing through the OEB's e-filing services is attached hereto as **Exhibit "B"**. Copies of the English and French versions of the Dated Notice are attached hereto as **Exhibits "C" and "D"** respectively.

- 4. Pursuant to paragraph 3 of the Letter of Direction, the IESO has made both the English and French versions of the Dated Notice, the application and the evidence available for public review at the IESO's head office reception, and on the IESO's Regulatory Accountability and Smart Metering Entity's webpages. Attached hereto as Exhibit "E" are the links and screenshots of the webpages that demonstrate this.
- 5. Pursuant to paragraph 4 of the Letter of Direction, on January 10, 2019 the IESO served a copy of the English and French versions of the Dated Notice and the application directly on:
  - a. all registered intervenors in EB-2016-0284, EB-2017-0290 and EB-2018-0143.
  - b. all electricity distribution companies that currently recover the Smart Metering Charge from eligible customers on behalf of the IESO.
- 6. In accordance with paragraph 6 of the Letter of Direction, the IESO will provide a copy of both the English and French versions of the Dated Notice, the application and the evidence, and any amendments thereto, to anyone requesting this material.

SWORN BEFORE ME at the City of Toronto, in the Province of Ontario, on January 10, 2019

Commissioner for Taking Affidavits

Lesley Bowen

72485J

Miriam Heinz

This is Exhibit "A" referred to in the Affidavit of Miriam Heinz, sworn before me this  $10^{\rm th}$  day of January, 2019

esley Bowen

724851

Ontario Energy Board

P.O. Box 2319
27<sup>th</sup> Floor
2300 Yonge Street
Toronto ON M4P 1E4
Telephone: 416-481-1967

Facsimile: 416-440-7656 Toll free: 1-888-632-6273 Commission de l'énergie de l'Ontario

C.P. 2319 27º étage 2300, rue Yonge Toronto ON M4P 1E4 Téléphone: 416-481-1967 Télécopieur: 416-440-7656

Numéro sans frais: 1-888-632-6273



BY E-MAIL

January 9, 2019

Miriam Heinz Advisor, Regulatory Affairs Independent Electricity System Operator 120 Adelaide Street West, Suite 1600 Toronto, Ontario M5H 1T1

## LETTER OF DIRECTION

Dear Ms. Heinz:

Re: Application by the Independent Electricity System Operator, designated as the Smart Metering Entity, for approval to provide third-party access to certain data Ontario Energy Board: File No.: EB-2018-0316

The Ontario Energy Board (OEB) has now issued its Notice of Hearing for the Independent Electricity System Operator (IESO)/ Smart Metering Entity's application for approval to provide third-party access to certain data (Notice). Please note that you must serve the Notice to the parties identified by **January 15**, **2019**. If service is not possible by January 15, 2019, you must inform the Registrar immediately at Registrar@oeb.ca.

Further, the IESO had requested that the proposed draft Issues List be provided for comment along with the Notice. The OEB will address matters related to an issues list later in the proceeding.

## You are directed:

- 1. To arrange immediately for the service of the enclosed English and French versions of the Notice, in the exact form accompanying this letter, except:
  - a. For the English version of the Notice, under the sections entitled "BE INFORMED AND HAVE YOUR SAY" and "ORAL VS. WRITTEN HEARINGS" remove the bold and bracketed words "[insert actual date 10 calendar days from the date the notice is posted on the applicant's website]"; and
  - For the French version of the Notice, under the sections entitled "SOYEZ RENSEIGNÉ ET DONNEZ VOTRE OPINION" and "AUDIENCES ÉCRITES OU

## ORALES" remove the bold and bracketed words "[insérer la date, 10 jourssuivant la date de publication sur le site Web du demandeur]"; and

- c. In each of the English and the French version of the Notice, insert the same date which shall be determined by adding 10 calendar days to the date that each of the English and French versions of the Notice will be posted on the IESO's website in accordance with the requirements of paragraph 3 below. If that date falls on a "holiday" as defined in Rule 6.02 of the OEB's *Rules of Practice and Procedure*, insert the next date that is not a holiday. Use the following date format "January 1, 2019" for the English Notice and the following date format for the French Notice "1 janvier 2019".
- 2. Once the requirements of paragraph 1 are completed, immediately and prior to completing any other steps required in this letter of direction, file with the OEB a pdf version of the dated Notice (Dated Notice).
- 3. To make a copy of both the English and French versions of the Dated Notice, the application and the evidence, and any amendments thereto, available for public review at the IESO's offices and in a prominent place on the IESO's website (Regulatory Accountability and Smart Metering Entity's webpages).
- 4. No later than the date the Dated Notice is posted on the IESO's website in accordance with paragraph 3 above, to serve a copy of each of the enclosed English and French versions of the Dated Notice and the application directly on:
  - a. all registered intervenors in EB-2017-0290, EB-2016-0284 and EB-2018-0143.
  - b. all electricity distribution companies that currently recover the Smart Metering Charge from eligible customers on behalf of the IESO.
- 5. To file with the OEB an affidavit in both electronic and paper forms proving completion of the matters in paragraphs 1 through 4 above immediately thereafter.
- 6. To provide a copy of the Dated Notice, the application and the evidence, and any amendments thereto, to anyone requesting the material.

You are further directed not to include any documents or materials when serving the Notice other than documents or materials expressly required by this letter of direction to be served.

Yours truly,

Original signed by

Rudra Mukherji Associate Registrar Office of the Registrar

Encl.

cc. Patrick Duffy, SME Counsel

This is Exhibit "B" referred to in the Affidavit of Miriam Heinz, sworn before me this  $10^{\text{th}}$  day of January, 2019

Lesley Bowen

724855

From: Miriam Heinz
To: "BoardSec"

Cc: "Patrick Duffy"; "Michael Bell"; Devon Huber; Adrian Pye

Subject: Dated Notices - EB-2018-0316 - IESO / SME Application - Third-Party Access to Certain Data in the MDM/R

**Date:** January 10, 2019 11:49:00 AM

Attachments: <u>Dated Notice IESO SME FR 20190109.pdf</u>

Dated Notice IESO SME EN 20190109.pdf

Good afternoon. In accordance with paragraph 2 of the Ontario Energy Board's (OEB) Letter of Direction dated January 9, 2019 in the above noted application, the IESO is hereby filing with the OEB, a pdf version of the complete (dated) Notice in both English and French.

#### Miriam

## Miriam Heinz | Advisor, Regulatory Affairs

Independent Electricity System Operator (IESO) | T: (416) 969-6045 | C: (416) 917-3617

1600-120 Adelaide Street West, Suite 1600, Toronto, ON, M5H 1T1

E: miriam.heinz@ieso.ca

Web: www.ieso.ca | Twitter: IESO Tweets | LinkedIn: IESO

From: Regulatory Affairs

To: Maia Chase; Miriam Heinz; Adrian Pye; Phillip Chisulo; Beverly Nollert; George Dimitropoulos; Stephanie

Aldersley; Devon Huber

Subject: FW: Confirmation of Supporting Document Submission for Independent Electricity System Operator, Case

Number: EB-2018-0316

**Date:** January 10, 2019 11:53:47 AM

From: OEB Board Secretary

Sent: Thursday, January 10, 2019 11:53:38 AM (UTC-05:00) Eastern Time (US & Canada)

**To:** Regulatory Affairs

Subject: Confirmation of Supporting Document Submission for Independent Electricity System Operator,

Case Number: EB-2018-0316

**CAUTION:** This email originated from outside of the organization. Exercise caution when clicking on links or opening attachments even if you recognize the sender.

Thank you for using the Ontario Energy Board's online for submitting supporting documentation. Your electronic submission to the Ontario Energy Board has been received. Please consider this email and the e-filing reference number 36779 as your confirmation of receipt.

The following file(s) have been uploaded successfully: Dated Notice\_IESO\_SME\_EN\_20190109.pdf Dated Notice\_IESO\_SME\_FR\_20190109.pdf

Please send two paper copies of your submission to the attention of the Board Secretary by the next business day.

This electronic transmission, including any accompanying attachments, may contain information that is confidential, privileged and/or exempt from disclosure under applicable law, and is intended only for the recipient(s) named above. Any distribution, review, dissemination or copying of the contents of this communication by anyone other than the intended recipient(s) is strictly prohibited. If you have received this communication in error, please notify the sender immediately by return e-mail and permanently delete the copy you have received.

Ce message, transmis par courriel, y compris tout fichier joint, peut contenir des renseignements qui sont confidentiels, qui sont protégés par le secret professionnel ou qui ne peuvent être divulgués aux termes des lois applicables et s'adressent exclusivement au(x) destinataire(s) indiqué(s) ci-dessus. La distribution, la diffusion, l'examen ou la reproduction du contenu du courriel par une autre personne que le(s) destinataire(s) voulu(s) sont strictement interdits. Si vous recevez ce message par erreur, veuillez le supprimer définitivement et en aviser l'expéditeur immédiatement par retour du courriel.

This is Exhibit "C" referred to in the Affidavit of Miriam Heinz, sworn before me this  $10^{\rm th}$  day of January, 2019

esley Bowen

724850

## **ONTARIO ENERGY BOARD NOTICE**

The Independent Electricity System Operator, in its capacity as the Smart Metering Entity, has applied for approval to provide access to certain non-personal data to third parties at market prices.

Learn more. Have your say.

The Independent Electricity System Operator, in its capacity as the Smart Metering Entity (SME), has applied to the Ontario Energy Board to amend its licence to enable it to charge market prices for access to certain non-personal data about electricity usage to third parties who meet the terms of access established by the SME and enter into a Data Use Agreement with the SME. The SME would provide the data on commercial terms. The SME would track the net revenues generated in a new variance account, which would ultimately be refunded to Smart Metering customers once a minimum balance has been achieved in accordance with the methodology approved in OEB Decision No. EB-2017-0290. The SME began collecting the data on January 1, 2017 as required by the Ontario Energy Board. Since that date, the SME has been consulting and working with stakeholders on providing third parties with access to the data.

## THE ONTARIO ENERGY BOARD IS HOLDING A PUBLIC HEARING

The Ontario Energy Board (OEB) will hold a public hearing to consider the application filed by the IESO in its capacity as the SME. We will also hear questions and arguments from individuals and from groups that represent individuals. At the end of this hearing, the OEB will decide what, if any, requests will be allowed.

The OEB is an independent and impartial public agency. We make decisions that serve the public interest. Our goal is to promote a financially viable and efficient energy sector that provides you with reliable energy services at a reasonable cost.

## **BE INFORMED AND HAVE YOUR SAY**

You have the right to information regarding this application and to be involved in the process.

- You can review the application on the OEB's website now.
- You can file a letter with your comments, which will be considered during the hearing.
- You can become an active participant (called an intervenor). Apply by **January 21, 2019** or the hearing will go ahead without you and you will not receive any further notice of the proceeding.
- At the end of the process, you can review the OEB's decision and its reasons on our website.

## LEARN MORE

Our file number for this case is **EB-2018-0316**. To learn more about this hearing, find instructions on how to file letters or become an intervenor, or to access any document related to this case, please select the file number **EB-2018-0316** from the list on the OEB website: <a href="https://www.oeb.ca/notice">www.oeb.ca/notice</a>. You can also phone our Consumer Relations Centre at 1-877-632-2727 with any questions.

## **ORAL VS. WRITTEN HEARINGS**

There are two types of OEB hearings – oral and written. The OEB has not yet determined which type of hearing to hold in this case. If you think an oral hearing is needed, you can write to the OEB to explain why by **January 21, 2019.** 

## **PRIVACY**

If you write a letter of comment, your name and the content of your letter will be put on the public record and the OEB website. However, your personal telephone number, home address and email address will be removed. If you are a business, all your information will remain public. If you apply to become an intervenor, all information will be public.

The application was filed under sections 74 and 78 of the Ontario Energy Board Act, 1998, S.O. 1998 c.15 (Schedule B) and under section 53 of the Electricity Act, 1998, S.O. 1998 c.15 (Schedule A).



This is Exhibit "D" referred to in the Affidavit of Miriam Heinz, sworn before me this 10th day of January, 2019

Lesley Bowen

72485J

## AVIS DE LA COMMISSION DE L'ÉNERGIE DE L'ONTARIO

La Société indépendante d'exploitation du réseau d'électricité, en qualité d'Entité responsable des compteurs intelligents, a déposé une requête en vue d'être autorisée à donner accès à certaines données non personnelles à des tiers au prix courant.

Apprenez-en plus. Donnez votre avis.

La Société indépendante d'exploitation du réseau d'électricité, en qualité d'Entité responsable des compteurs intelligents (ERCI), a déposé une requête auprès de la Commission de l'énergie de l'Ontario en vue de modifier son permis afin de lui permettre de facturer au prix courant l'accès à certaines données non personnelles au sujet de l'utilisation de l'électricité à des tiers qui satisfont aux conditions en matière d'accès établis par l'ERCI et qui concluent une entente relative à l'utilisation des données avec l'ERCI. L'ERCI veillerait à fournir les données selon des conditions commerciales. L'ERCI effectuerait le suivi des recettes nettes générées dans un nouveau compte d'écarts, qui servirait ultimement à rembourser les clients des compteurs intelligents dès l'obtention d'un solde minimum conformément à la méthodologie approuvée par la décision N° EB-2017-0290 de la CEO. À la demande de la Commission de l'énergie de l'Ontario, l'ERCI a entrepris la collecte des données à partir du 1er janvier 2017. Depuis cette date, l'ERCI a consulté des intervenants et collaboré avec eux sur la question d'accorder l'accès à des données par des tiers.

#### LA COMMISSION DE L'ÉNERGIE DE L'ONTARIO TIENDRA UNE AUDIENCE PUBLIQUE

La Commission de l'énergie de l'Ontario (CEO) tiendra une audience publique afin d'étudier la requête déposée par la SIERE en sa qualité d'ERCI. Nous écouterons également les questions et les arguments des particuliers et des groupes qui les représentent. À l'issue de cette audience, la CEO décidera du bienfondé de cette requête.

La Commission de l'énergie de l'Ontario est une agence publique indépendante et impartiale. Les décisions que nous prenons visent à servir au mieux l'intérêt public. Notre objectif est d'encourager le développement d'un secteur de l'énergie efficace et financièrement viable, afin d'offrir des services énergétiques fiables à un prix raisonnable.

#### **INFORMEZ-VOUS ET DONNEZ VOTRE AVIS**

Vous avez le droit d'être informé relativement à cette demande et de participer au processus.

- Vous pouvez examiner la demande sur le site Web de la CEO dès maintenant.
- Vous pouvez déposer une lettre de commentaires qui sera prise en compte au cours de l'audience.
- Vous pouvez participer activement au processus (à titre d'intervenant). Inscrivez-vous avant le
   21 janvier 2019 faute de quoi l'audience aura lieu sans votre participation et vous ne recevrez plus d'avis dans le cadre de la présente affaire.
- Vous pourrez examiner la décision rendue par la CEO à l'issue de la procédure ainsi que les motifs de sa décision sur notre site Web.

#### **EN SAVOIR PLUS**

Le numéro de référence de ce dossier est **EB-2018-0316**. Pour obtenir de plus amples renseignements sur cette audience, la marche à suivre pour déposer une lettre, la manière de participer en tant qu'intervenant ou de consulter les documents relatifs à cette affaire, veuillez sélectionner le numéro de dossier **EB-2018-0316** dans la liste qui figure sur le site Web de la CEO: <a href="www.oeb.ca/">www.oeb.ca/</a>. Pour toute question, vous pouvez également communiquer avec notre centre des relations avec les consommateurs au 1 877 632-2727.

## **AUDIENCES ORALES OU AUDIENCES ÉCRITES**

Il existe deux types d'audiences à la CEO : les audiences orales et les audiences écrites. La CEO n'a pas encore pris sa décision pour ce qui est du type d'audience qu'elle tiendra. Si vous pensez qu'une audience orale est nécessaire, vous pouvez fournir pour cela vos arguments par écrit à la CEO avant le **21 janvier 2019.** 

#### PROTECTION DES RENSEIGNEMENTS PERSONNELS

Si vous écrivez une lettre de commentaires, votre nom et le contenu de cette lettre seront ajoutés au dossier public et au site Web de la CEO. Toutefois, votre numéro de téléphone, votre adresse de domicile et votre adresse électronique ne seront pas rendus publics. Si vous représentez une entreprise, tous les renseignements de l'entreprise demeureront accessibles au public. Si vous participez à titre d'intervenant, tous vos renseignements personnels seront rendus publics.

La requête a été déposée en vertu des articles 74 et 78 de la Loi de 1998 sur la Commission de l'énergie de l'Ontario, L.O. 1998, chap. 15 (annexe B) et en vertu de l'article 53 de la Loi sur l'électricité, L.O. 1998, chap. 15 (annexe A).



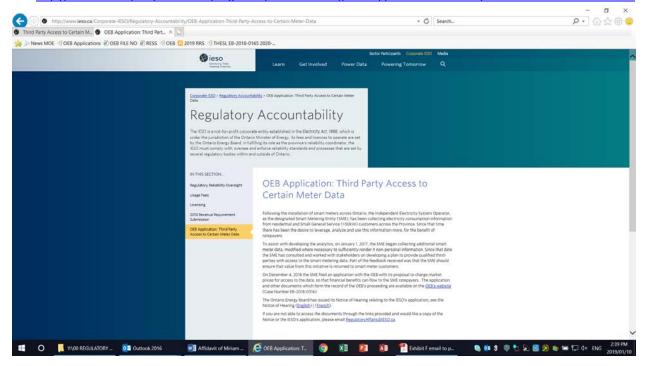
This is Exhibit "E" referred to in the Affidavit of Miriam Heinz, sworn before me this  $10^{\rm th}$  day of January, 2019

esley Bowen

72485J

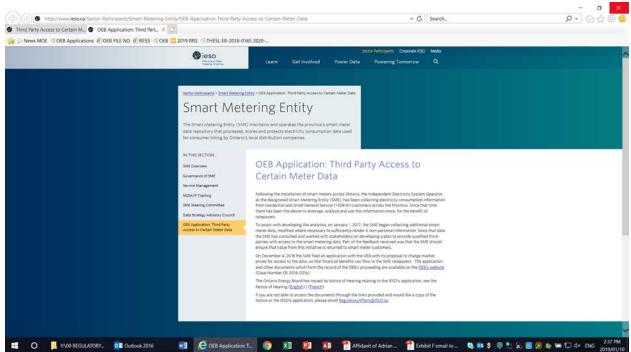
## Regulatory Accountability

- <a href="http://previewprod.corp.int/Corporate-IESO">http://previewprod.corp.int/Corporate-IESO</a>
- http://www.ieso.ca/Corporate-IESO/Regulatory-Accountability/OEB-Application-Third-Party-Access-to-Certain-Meter-Data



## **Smart Metering Entity**

 $\underline{http://www.ieso.ca/Sector-Participants/Smart-Metering-Entity/OEB-Application-Third-Party-Access-to-Certain-Meter-Data}$ 



This is Exhibit "F" referred to in the Affidavit of Miriam Heinz, sworn before me this  $10^{\rm th}$  day of January, 2019

Lesley Bowen

72485J

From: Miriam Heinz

To: "doug.bradbury@cnpower.com"; "indy.butany@horizonutilities.com"; "regulatoryaffairs@oakvillehydro.com";

"gdick@orangevillehydro.on.ca"; "rdimmel@essexpower.ca"; "dfee@orpowercorp.com"; "tgravel@nmhydro.ca"; "bnippard@renfrewhydro.com"; "rgatien@wnhydro.com"; "eglasbergen@brantcountypower.com";

"PowerStreamregulatory@powerstream.ca"; "nhembruff@erhydro.com"; "patrickhoey@hydroottawa.com"; "apc@fivenations.ca"; "JHuntingdon@notlhydro.com"; "dave@dfpl.ca"; "regulatoryaffairs@torontohydro.com";

"benoit@hydroembrun.ca"; "franklasowski@miltonhydro.com"; "cjlitschko@lakelandholding.com";

"slhydro@tbaytel.net"; "pmarley@midlandpuc.on.ca"; "pmartin@opuc.on.ca"; "kmcallister@orilliapower.ca";

"lindaparisien@hydrohawkesbury.ca"; "dpaul@lusi.on.ca"; "rpeever@wellandhydro.com";

"brandall@norfolkpower.on.ca"; "regulatory@hydroone.com"; "rbucknall@wellingtonnorthpower.com"; 

"smoin@burlingtonhydro.com"; "dsinclair@kenora.ca"; "askidmore@haltonhillshydro.com";

"cspezial@tbhydro.on.ca"; "regulatoryaffairs@peterboroughutilities.ca"; "j.tackaberry@wasagadist.ca";

<u>"wilf.thorburn@athydro.com"; "jennifer.uchmanowicz@ssmpuc.com"; "jvanooteghem@kwhydro.on.ca";</u> "jwalsh@rslu.ca"; "nancyw@shec.com"; "twilcox@northbayhydro.com"; "Brian.Wilkie@npei.ca";

<u>"bertwilliams1612@hotmail.com"; "kpc@fivenations.ca"; "tsarkesian@eda-on.ca"; "jrangooni@eda-on.ca";</u>

"nruzycki@justenergy.com"; "paul.kerr@shell.com"; "mjanigan@piac.ca"; "bharper@econalysis.ca"; "tbrett@foglers.com"; "marion.fraser@rogers.com"; "jgirvan@uniserve.com"; "rwarren@weirfoulds.com" <u>"shelley.grice@rogers.com"; "paul.clipsham@cme-mec.ca"; "mBradley@blg.com"; "tmoore@erthcorp.com";</u>

"mark.rubenstein@canadianenergylawyers.com"; "bdamboise@brantford.ca";

"regulatoryaffairs@camhydro.com"; "gtobin@sttenergy.com"; "jalbert@hchydro.ca";

'christine.kilby@nortonrosefulbright.com"; "johnstonm@thesociety.ca"; "tbrett@foglers.com"

"Marion.Fraser@rogers.com"; "grahamc@thesociety.ca"; "opgregaffairs@opg.com"; "mel.hogg@opg.com";

<u> "Belanger.Frederic2@hydro.qc.ca"; "Bohdan Dumka"; "julien.wu@brookfieldrenewable.com"; "preece@pwu.ca";</u>

"richard.stephenson@paliareroland.com"; "kmckenzie@elenchus.ca"; "lawford@piac.ca"

"markgarner@rogers.com"; "jay@shepherdrubenstein.com"; "mark@shepherdrubenstein.com";

<u>"spollock@blg.com"; "bkidane@elenchus.ca"; "kent@elsonadvocacy.ca"; "jack@cleanairalliance.org";</u>

"shaun.logue@brookfieldrenewable.com"; "Michael.bell@oeb.ca"; "tbrett@foglers.com";

"marion.fraser@rogers.com"; "Jmankarios@eda-on.ca"; "amark@goodmans.ca"; "tcurtis@notlhydro.com" "Michael Bell"; "Patrick Duffy"; Adrian Pye; Devon Huber

Cc:

Subject: OEB Notice: IESO - SME Application - Fees for Third Party Access to Meter Data - EB-2018-0316

Date: January 10, 2019 3:38:00 PM

IESO CVLtr SME FEES THIRD PARTY ACCESS 2018-12-04.pdf Attachments:

B-5-1 Attach 1 - sme-third-party-access-20181109-presentation.pdf

B-5-1 Attach 2 - sac-20181017-third-party-access.pdf

B-5-1 Attach 3 - SME-DSAC-Membership.pdf

IESO APP SME FEES THIRD PARTY ACCESS 2018-12-04.pdf

Dated Notice IESO SME EN 20190109.pdf Dated Notice IESO SME FR 20190109.pdf

The Ontario Energy Board (OEB) has issued a Letter of Direction and Notice in the above noted proceeding requiring that the IESO serve you directly with a copy of the Date Notice and the application. Accordingly, please find attached the English and French versions of the Dated Notice and the application.

The Dated Notice, the application and the evidence has also been posted to the IESO's website on the following webpages:

## Regulatory Accountability

- http://previewprod.corp.int/Corporate-IESO
- http://www.ieso.ca/Corporate-IESO/Regulatory-Accountability/OEB-Application-Third-Party-Access-to-Certain-Meter-Data

## Smart Metering Entity

http://www.ieso.ca/Sector-Participants/Smart-Metering-Entity/OEB-Application-Third-Party-Access-to-Certain-Meter-Data

## Miriam Heinz | Advisor, Regulatory Affairs

Independent Electricity System Operator (IESO) | T: (416) 969-6045 | C: (416) 917-3617 1600-120 Adelaide Street West, Suite 1600, Toronto, ON, M5H 1T1

E: miriam.heinz@ieso.ca

Web: www.ieso.ca | Twitter: IESO Tweets | LinkedIn: IESO