



**EB-2018-0316**

**Independent Electricity System Operator, 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**

**PROCEDURAL ORDER NO. 1  
January 25, 2019**

The Independent Electricity System Operator (IESO), in its capacity as the Smart Metering Entity, filed an application with the Ontario Energy Board (OEB) on December 4, 2018 under sections 74 and 78 of the *Ontario Energy Board Act, 1998* seeking approval to amend its licence to enable it to provide access to certain non-personal data about electricity usage to third parties at market prices.

A Notice of Hearing was issued on January 9, 2019. The following parties applied for intervenor status:

- Building Owners and Managers Association (BOMA)
- Consumers Council of Canada (CCC)
- Electricity Distributors Association (EDA)
- Ontario Power Generation (OPG)
- Vulnerable Energy Consumers Coalition (VECC)

BOMA, CCC, and VECC also applied for cost award eligibility.

No objections were received from the IESO in relation to any of the intervention requests.

Intervenor status is hereby granted to each of BOMA, CCC, EDA, OPG and VECC. BOMA, CCC and VECC are eligible to apply for an award of costs under the OEB's *Practice Direction on Cost Awards*. A list of intervenors is attached as Schedule A to this Procedural Order.

Cost eligible intervenors should be aware that the OEB will not generally allow the recovery of costs for the attendance of more than one representative of any party, unless a compelling reason is provided when cost claims are filed. The OEB also expects that intervenors will combine their interventions with those of similarly interested parties, will co-operate with all other parties to the extent possible and will be mindful to avoid duplication.

### **Issues List**

Attached as Schedule B to this Procedural Order is a draft issues list, prepared by the IESO. Parties will have an opportunity to review the draft issues list and provide any comments or additions to this list. The IESO will also be given an opportunity to respond to any comments or additions received to the draft issues list. The OEB will determine the final issues list and only those issues on the approved issues list will be considered during the review.

### **Interrogatories**

Parties should consult sections 26 and 27 of the OEB's *Rules of Practice and Procedure* regarding required naming and numbering conventions and other matters related to interrogatories.

It is necessary to make provision for the following matters related to this proceeding. The OEB may issue further procedural orders from time to time.

### **IT IS THEREFORE ORDERED THAT:**

1. OEB staff and intervenors may file submissions on the draft issues list in Schedule B to this Procedural Order with the OEB and deliver them to all parties by **February 1, 2019**.
2. The IESO may file a response to the submissions of intervenors and OEB staff on the draft issues list in Schedule B to this Procedural Order with the OEB and deliver it to all parties no later than **February 8, 2019**.

3. OEB staff and intervenors shall request any relevant information and documentation from the IESO that is in addition to the evidence already filed, by written interrogatories filed with the OEB and served on all parties by **February 25, 2019**.
4. The IESO shall file with the OEB complete written responses to all interrogatories and serve them on all intervenors and OEB staff by **March 18, 2019**.
5. A Settlement Conference among the parties and, if provided for by the OEB in accordance with the *Practice Direction on Settlement Conferences*, OEB staff will be convened on **March 25, 2019** starting at 9:30 a.m., at 2300 Yonge Street, 25th floor, Toronto. If necessary, the Settlement Conference will continue on **March 26, 2019**.
6. Any settlement proposal arising from the Settlement Conference shall be filed with the OEB on or before **April 9, 2019**. In addition to outlining the terms of any settlement, the settlement proposal should contain a list of any unsettled issues, indicating with reasons whether the parties believe those issues should be dealt with by way of oral or written hearing.
7. Any submission from OEB staff on a settlement proposal shall be filed with the OEB and served on all parties within seven days from when a settlement proposal is filed.
8. If there is no settlement proposal arising from the Settlement Conference, the IESO shall file a statement to that effect with the OEB by **April 2, 2019**. In that event, parties shall file and serve on the other parties by **April 9, 2019** any submissions on which issues could be heard in writing, and for which issues the OEB should hold an oral hearing.

All filings to the OEB must quote the file number, **EB-2018-0316**, be made in searchable / unrestricted PDF format electronically through the OEB's web portal at <https://www.pes.ontarioenergyboard.ca/eservice/>. Two paper copies must also be filed at the OEB's address provided below. Filings must clearly state the sender's name, postal address, telephone number, fax number and e-mail address. Parties must use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at <http://www.oeb.ca/OEB/Industry>. If the web portal is not available, parties may email their documents to the address below. Those who do not have internet access are required to submit all filings on a CD in PDF format,

along with two paper copies. Those who do not have computer access are required to file 7 paper copies.

All communications should be directed to the attention of the Board Secretary at the address below, and be received no later than 4:45 p.m. on the required date.

With respect to distribution lists for all electronic correspondence and materials related to this proceeding, parties must include the Case Manager, Michael Bell at [Michael.Bell@oeb.ca](mailto:Michael.Bell@oeb.ca) and OEB Counsel, Ian Richler at [Ian.Richler@oeb.ca](mailto:Ian.Richler@oeb.ca).

**ADDRESS**

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

E-mail: [boardsec@oeb.ca](mailto:boardsec@oeb.ca)  
Tel: 1-888-632-6273 (Toll free)  
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**DATED** at Toronto, **January 25, 2019**

**ONTARIO ENERGY BOARD**

**By delegation, before: Rudra Mukherji**

*Original signed by*

Rudra Mukherji  
Associate Registrar  
Office of the registrar

**Schedule A**  
Applicant and List of Intervenors To  
Procedural Order No. 1

Independent Electricity System Operation/Smart Metering Entity  
EB-2018-0316

January 25, 2019

**Independent Electricity System Operator  
EB-2018-0316**

**APPLICANT & LIST OF INTERVENORS**

January 25, 2019

**APPLICANT**

**Rep. and Address for Service**

**Independent Electricity  
System Operator**

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**INTERVENORS**

**Rep. and Address for Service**

**Building Owners and  
Managers Association  
Toronto**

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Independent Electricity System Operator  
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**APPLICANT & LIST OF INTERVENORS**

January 25, 2019

**Building Owners and  
Managers Association  
Toronto**

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**Consumers Council of  
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**Electricity Distributors  
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Independent Electricity System Operator  
EB-2018-0316

**APPLICANT & LIST OF INTERVENORS**

January 25, 2019

**Electricity Distributors  
Association**

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Independent Electricity System Operator  
EB-2018-0316

**APPLICANT & LIST OF INTERVENORS**

January 25, 2019

**Vulnerable Energy  
Consumers Coalition**

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**Schedule B**  
Draft Issues List

Independent Electricity System Operation/Smart Metering Entity  
EB-2018-0316

January 25, 2019

**Draft Issues List****EB-2018-0316**

1. Is the SME's proposal that access should be provided at market prices appropriate?
2. Is the SME's proposal that access should only be provided to any person who meets the criteria for access established by the SME and enters into a Data Use Agreement with the SME appropriate?
3. Is the SME's proposal that the Smart Metering Entities' licence be amended to allow it to provide access to the data on commercial terms determined by the SME to any person who meets the criteria for access established by the SME and who enters into a Data Use Agreement with the SME appropriate?
4. Is the SME's proposal that the net revenues generated by third party access benefit the SME's ratepayers appropriate?
5. Is the SME's proposal to create a new variance account, the Benefits Account, to track the net revenues generated by third party access appropriate?
6. Is the SME's proposal to have the proposed Benefits Account be a sub-account of the Balancing Variance Account appropriate?
7. Is the SME's proposal to annually report on the net revenues generated and tracked in the Benefits Account in the annual report filed with the OEB by May 31st appropriate?