



Ontario
Energy
Board | Commission
de l'énergie
de l'Ontario

DECISION AND ORDER

EB-2020-0307

BURLINGTON HYDRO INC.

**Application for Electricity Distribution Licence Amendment -
Extension of Exemption to Distribution System Code (DSC) and
Standard Supply Service Code (SSSC)**

BY DELEGATION, BEFORE: Brian Hewson

Vice President,
Consumer Protection & Industry Performance

March 4, 2021

INTRODUCTION AND SUMMARY

Through this Decision and Order, the Ontario Energy Board (OEB) amends Burlington Hydro Inc. (Burlington Hydro)'s electricity distribution licence to exempt it from compliance with section 2.6.3 of the Distribution System Code (DSC) and section 2.6.2 (d) of the Standard Supply Service Code (SSSC) until no later than June 30, 2021, and to exempt it from compliance with section 5.1.3 (b) of the DSC until no later than September 30, 2021.

Burlington Hydro operates under electricity distribution licence No. ED-2003-0004. Burlington Hydro holds an exemption from section 2.6.3 of the DSC and section 2.6.2 (d) of the SSSC that is set to expire on March 31, 2021. As do all other licensed electricity distributors in Ontario, Burlington Hydro also holds an exemption from section 5.1.3 (b) of the DSC until March 31, 2021.

This application follows three prior amendments to Burlington Hydro's licence related to the temporary exemption from section 2.6.3 of the DSC and section 2.6.2 (d) of the SSSC (discussed below), that were approved by the OEB. Burlington Hydro's request to extend the temporary exemption from section 5.1.3 (b) of the DSC follows a blanket amendment to the licence of each electricity distributor to exempt them from having to comply with section 5.1.3 (b) of the DSC until March 31, 2021.

This Decision and Order is being issued by the Delegated Authority, without holding a hearing pursuant to section 6(4) of the OEB Act.

BACKGROUND

Prior Exemptions from section 2.6.3 of the DSC and section 2.6.2 (d) of the SSSC

On March 14, 2019, the OEB gave notice under sections 70.2 and 45 of the *Ontario Energy Board Act, 1998* (OEB Act) of a number of customer service rules-related amendments to the DSC and SSSC that would take effect on March 1, 2020.¹

On October 25, 2019, Burlington Hydro filed an application with the OEB for a licence amendment that would exempt Burlington Hydro from having to comply with the customer service rules-related amendments relating to section 2.6.3 of the DSC and section 2.6.2 (d) of SSSC by their March 1, 2020 in-force date. In its Decision and Order

¹ Ontario Energy Board Notice of Amendments to the Distribution System Code, the Standard Supply Service Code, the Unit Sub-Metering Code and Gas Distribution Access Rule, EB-2017-0183, issued March 14, 2019.

issued on February 11, 2020 (EB-2019-0265), the OEB approved the amendment to Burlington Hydro's licence, exempting the utility from compliance with the identified sections of the DSC and SSSC until August 31, 2020. At that time, Burlington Hydro claimed that it was in the process of winding down its legacy Customer Information System (CIS), and replacing it with a new CIS which, once fully implemented, would meet all the requirements of the amended customer service rules. Burlington Hydro submitted that its new CIS would have an estimated in-service date in Q3 of 2020. In the light of this evidence, the OEB granted the exemption, concluding that it would not be prudent for Burlington Hydro to incur significant costs to customize its legacy CIS, which was to soon be replaced.

On June 2, 2020, Burlington Hydro filed a second application with the OEB for an extension of the period for which the utility would be exempt from compliance with section 2.6.3 of the DSC and section 2.6.2 (d) of the SSSC. Burlington Hydro requested that the exemption period be extended from August 31, 2020 to December 31, 2020. Burlington Hydro's rationale for the extension request was that the CIS go-live date was delayed due to key project resources being re-allocated from the CIS project to support unplanned customer service and billing system changes related to the COVID-19 pandemic, and to support continued business operations in light of the challenges imposed by the COVID-19 pandemic. On July 23, 2020, the OEB granted the application and approved an amendment to Burlington Hydro's licence which exempted the utility from compliance with the identified sections of the DSC and SSSC until December 31, 2020 (EB-2020-0154).

On August 28, 2020, Burlington Hydro applied for a further extension of the period for which the utility would be exempt from compliance with section 2.6.3 of the DSC and section 2.6.2 (d) of the SSSC, from December 31, 2020 to March 31, 2021. Burlington Hydro stated that the challenges related to the COVID-19 pandemic resulted in further delays to the planned implementation schedule and in-service date of the utility's new CIS, which was moved to Q1 of 2021. On November 19, 2020, the OEB granted the application and approved an amendment to Burlington Hydro's licence which exempted the utility from compliance with the identified sections of the DSC and SSSC until March 31, 2021 (EB-2020-0214).

Prior Exemption from section 5.1.3 (b) of the DSC

Section 5.1.3 (b) of the DSC came into force on May 21, 2014. It required distributors to install a MIST (Metering Inside Settlement Time) meter on any existing customer facilities where the customer has a monthly average peak demand during a calendar year of over 50 kW (GS>50 kW customers) by no later than August 21, 2020.

On July 23, 2020, the OEB issued a Decision and Order (EB-2020-0187) amending the licenses of all electricity distributors to exempt them from having to comply with section 5.1.3 (b) of the DSC until March 31, 2021. In that decision, the OEB acknowledged that the operational challenges related to the COVID-19 emergency could reasonably lead to an unavoidable delay in meeting the August 21, 2020 by many distributors. The OEB also stated that, if any distributor requires an extension beyond March 31, 2021, it would need to make a separate application.

Request for Extension to the Exemptions from sections 2.6.3 and 5.1.3 (b) of the DSC and section 2.6.2 (d) of the SSSC

On December 22, 2020, Burlington Hydro filed an application with the OEB, for the following relief:

- a further extension of the temporary exemption from section 2.6.3 of the DSC and section 2.6.2 (d) of the SSSC from March 31, 2021 to June 30, 2021; and
- an extension of the temporary exemption from section 5.1.3 (b) of the DSC from March 31, 2021 to September 30, 2021.

Burlington Hydro projects that it will not be able to comply with the identified sections of the DSC and SSSC by the March 31, 2021 deadline. Burlington Hydro states that its compliance with these requirements is fully dependent on the implementation of its new CIS, which has been further delayed due to many unplanned policy and pricing changes and the introduction of new customer support programs stemming from the COVID-19 pandemic. Burlington Hydro states that implementation of the required changes caused re-allocation of its key resources from the CIS project and testing of the changes in the CIS development environment, which consequently put on hold testing for the CIS implementation. These factors along with ongoing operational challenges related to the COVID-19 pandemic have resulted in further delays to the planned implementation schedule, and in-service date, of the utility's new CIS. Burlington Hydro submits that it expects its new CIS to be live by June 30, 2021, and that it will be able to fully comply with the requirements set out in section 2.6.3 of the DSC and section 2.6.2 (d) of the SSSC by June 30, 2021.

With respect to the MIST meter implementation, Burlington Hydro submits that its request for an extension from section 5.1.3(b) of the DSC to September 30, 2021 is based on the fact that it cannot commence the MIST meter implementation until after the new CIS is live.

FINDINGS

The OEB finds that unplanned additional changes to Burlington Hydro's legacy CIS have required resources to be taken away from the implementation of the new CIS and that, together with ongoing challenges related to the COVID-19 pandemic, this has resulted in a further delay to the implementation of Burlington Hydro's new CIS. The OEB finds this delay reasonable in the circumstances.

Consistent with its previous decisions relating to this issue, the OEB finds that it would not be prudent to require Burlington Hydro to incur further significant costs to adjust its legacy CIS in order to meet the requirements of sections 2.6.3 and 5.1.3 (b) of the DSC and section 2.6.2 (d) of the SSSC by March 31, 2021. The OEB does not believe the further delay in implementing these three provisions will materially impact consumers. The OEB does, however, expect that in the next four months, Burlington Hydro will mobilize all its resources and efforts to conclude implementation of its new CIS so that it is in operation on June 30, 2021. The OEB therefore grants the application and approves an amendment to Burlington Hydro's licence which will exempt the utility from compliance with section 2.6.3 of the DSC and section 2.6.2 (d) of the SSSC until no later than June 30, 2021. The OEB is also amending Burlington Hydro's licence to exempt it from section 5.1.3.(b) of the DSC until no later than September 30, 2021 on the basis that Burlington Hydro must complete its implementation of the new CIS in order to comply with that section of the DSC.

IT IS ORDERED THAT:

1. Burlington Hydro Inc.'s Electricity Distribution Licence ED-2003-0004, specifically Schedule 3 "List of Code Exemptions", is amended to include an exemption from section 2.6.3 of the Distribution System Code. This exemption expires on June 30, 2021.
2. Burlington Hydro Inc.'s Electricity Distribution Licence ED-2003-0004, specifically Schedule 3 "List of Code Exemptions", is amended to include an exemption from section 2.6.2 (d) of the Standard Supply Service Code. This exemption expires on June 30, 2021.
3. Burlington Hydro Inc.'s Electricity Distribution Licence ED-2003-0004, specifically Schedule 3 "List of Code Exemptions", is amended to include an exemption from section 5.1.3 (b) of the Distribution System Code. This exemption expires on September 30, 2021.

DATED at Toronto, March 4, 2021

ONTARIO ENERGY BOARD

Original Signed By

Brian Hewson
Vice President, Consumer Protection & Industry Performance