



Ontario
Energy
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de l'Ontario

DECISION AND ORDER

EB-2021-0167

BURLINGTON HYDRO INC.

Application for Electricity Distribution Licence Amendment

BY DELEGATION, BEFORE: Brian Hewson

Vice President,

Consumer Protection & Industry Performance

June 24, 2021

INTRODUCTION AND SUMMARY

Through this Decision and Order, the Ontario Energy Board (OEB) amends Burlington Hydro Inc.'s (Burlington Hydro) 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 September 30, 2021, and to exempt it from compliance with section 5.1.3 (b) of the DSC until no later than December 31, 2021.

Burlington Hydro operates under electricity distribution licence No. ED-2003-0004. Burlington Hydro has existing exemptions from section 2.6.3 of the DSC and section 2.6.2 (d) of the SSSC that expire on June 30, 2021, and an exemption from section 5.1.3 (b) of the DSC until September 30, 2021.

This application follows several prior similar amendments to Burlington Hydro's licence that were approved by the OEB, and which are discussed below.

This Decision and Order is being issued by the Delegated Authority, without holding a hearing pursuant to section 6(4) of the *Ontario Energy Board Act, 1998* (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 section 70.2 of the 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 to exempt it from having to comply with these amendments by their March 1, 2020 in-force date. 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 its Decision and Order issued on February 11, 2020 (EB-2019-0265), the OEB approved the amendment

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.

to Burlington Hydro's licence, exempting the company from compliance with the identified sections of the DSC and SSSC until August 31, 2020. In granting the exemption, the OEB concluded that it would not be prudent for Burlington Hydro to incur significant costs to customize its legacy CIS, which was to soon be replaced.

Following the initial exemption granted in EB-2019-0265, Burlington Hydro filed three additional applications requesting 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's rationale for the extension requests has been 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. The OEB granted the extension requests² and the exemptions from compliance with section 2.6.3 of the DSC and section 2.6.2 (d) of the SSSC are currently set to expire on June 30, 2021.

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 pandemic could reasonably lead to an unavoidable delay in meeting the August 21, 2020 deadline by many distributors. The OEB also stated that, if any distributor required an extension beyond March 31, 2021, it would need to make a separate application.

In its EB-2020-0307 application, filed on December 22, 2020, Burlington Hydro requested an extension of the temporary exemption from section 5.1.3 (b) of the DSC

² EB-2020-0154 – Extension until December 31, 2020 granted on July 23, 2020
EB-2020-0214 – Extension until March 31, 2021 granted on November 19, 2020
EB-2020-0307 – Extension until June 30, 2021 granted on March 4, 2021

from March 31, 2021 to September 30, 2021. Burlington Hydro stated that its compliance with section 5.1.3 (b) is fully dependent on the implementation of its new CIS, which is delayed due to the operational challenges related to the COVID-19 pandemic, and that it cannot commence the MIST meter implementation until after the new CIS is operational. The OEB granted the extension request and the exemption from compliance with section 5.1.3 (b) of the DSC is currently set to expire on September 30, 2021.

APPLICATION

On May 20, 2021, Burlington Hydro applied for 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 June 30, 2021 to September 30, 2021, and a further extension of the temporary exemption from section 5.1.3 (b) of the DSC from September 30, 2021 to December 31, 2021.

Burlington Hydro states that the scheduled implementation of its new CIS continues to be negatively impacted by the COVID-19 pandemic, including the challenges with coordinating internal and external resources remotely, unplanned policy and pricing changes, and the introduction of new customer support programs stemming from the COVID-19 pandemic. Burlington Hydro states that after filing its last application in December 2020, it had to prioritize implementation of the following unplanned regulatory and billing changes over the implementation of the new CIS:

- New Regulated Price Plan (RPP) rates, effective January 1, 2021;
- New RPP rates, effective February 23, 2021;
- Programming, testing and bill presentment changes associated with changed electricity rates and Ontario Electricity Rebate; and
- Revised COVID-19 Energy Assistance Program (CEAP and CEAP-SB) eligibility requirements and funding caps, issued on January 14, 2021, which required it to reassess previously rejected applications using the new eligibility criterion.

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 new 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 September 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 September 30, 2021.

Burlington Hydro submits that its request for an extension from section 5.1.3(b) of the DSC to December 31, 2021 is based on the fact that it cannot commence the MIST meter implementation until after the new CIS is operational.

FINDINGS

The OEB finds that additional unplanned changes to the legacy CIS that Burlington Hydro had to implement, together with ongoing challenges related to the COVID-19 pandemic, have 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 costs to adjust a soon to be replaced CIS solely for the purpose of meeting the requirements of sections 2.6.3 of the DSC and section 2.6.2 (d) of the SSSC by June 30, 2021 and to meet the requirements of section 5.1.3 (b) of the DSC by September 30, 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 three months, Burlington Hydro will conclude implementation of its new CIS so that it is in operation on September 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 September 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 December 31, 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 September 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 September 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 December 31, 2021.

DATED at Toronto, June 24, 2021

ONTARIO ENERGY BOARD

Original Signed By

Brian Hewson
Vice President, Consumer Protection & Industry Performance