



Ontario
Energy
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DECISION AND ORDER

EB-2021-0191

SMART METERING ENTITY

Application for renewal of the Smart Metering Entity Licence

BY DELEGATION, BEFORE: Brian Hewson
Vice President
Consumer Protection & Industry Performance

September 2, 2021

DECISION AND ORDER

The Independent Electricity System Operator (IESO) applied to the Ontario Energy Board (OEB) on July 2, 2021 under section 60 of the *Ontario Energy Board Act, 1998* (OEB Act) for a renewal of the Smart Metering Entity (SME) licence, for a five-year term. The current SME licence ES-2016-0284 is set to expire on December 31, 2021.

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

The SME was created through legislation passed in 2006 as amendments to the *Electricity Act, 1998* (Electricity Act). The IESO was designated as the Smart Metering Entity by Ontario Regulation 393/07, as amended by Ontario Regulation 233/08, both made under the Electricity Act. Section 57 of the OEB Act requires the SME to be licensed to exercise its powers or perform its duties under the Electricity Act. The licence authorizes the SME to carry out the functions assigned to it by the Electricity Act, including the collection and management of smart meter data collected from consumers by licensed electricity distributors.

In its application, the IESO proposed a number of minor modifications to the content of the SME licence. The proposed changes are to sections 6, 9, 13 and 14 of the licence, as described below.

The applicant has proposed changes to section 6.1 in order to bring the language in line with the language used in section 53.8.4 of the Electricity Act, such that section 6.1 would read as follows:

The Licensee shall provide and promote non-discriminatory access, on appropriate terms and subject to any conditions in its licence relating to the protection of privacy, by Distributors, Retailers, the IESO, and other persons to the Licensee's:

- a) information and data related to the metering of consumers' consumption or use of electricity in Ontario, including data collected from Distributors in accordance with the terms of this licence.*

The IESO also requested the removal of sub-section 6.1 (b), stating that the access to the telecommunication equipment, systems or technology is not required for third parties to access the data.

The applicant has proposed that the words “confidential or personal” be added to the first paragraph in section 9.1 to clarify that the use of such information only applies where the information is confidential or personal.

The IESO has proposed that section 13.1 (a) be revised to require that the SME’s licence be available for public review on its webpage rather than at the head office.

Finally, the IESO has requested that section 14.1 dealing with dispute resolution be amended to reflect that the SME only deals with the electricity distributors with respect to dispute resolution and does not have any contact with the consumers and that the dispute resolution process is available through a restricted access portal site which all electricity distributors to whom the SME provides service can access.

FINDINGS

The OEB finds it to be in the public interest to renew the SME licence for a five-year term to enable the SME to exercise its powers and perform its duties under the Electricity Act. The OEB has considered the amendments proposed by the IESO and accepts that these changes are administrative in nature and do not otherwise broaden or lessen the authorizations and obligations of the IESO under the licence. The amendments reflect current practice or provide clarity to the sections of the Licence. The approved amendments are included in the Licence issued with this Decision and Order and also set out the Appendix A to this Decision and Order.

IT IS ORDERED THAT:

1. The application to renew the Smart Metering Entity’s licence is granted, on such conditions as are contained in the attached licence.

DATED at Toronto September 2, 2021

ONTARIO ENERGY BOARD

Original Signed By

Brian Hewson
Vice President, Consumer Protection & Industry Performance

APPENDIX A**Amendments to the Smart Metering Entity's Licence
Issued September 2, 2021****Section 6. Non-Discriminatory Access**

6.1 The Licensee shall provide and promote non-discriminatory access, on appropriate terms and subject to any conditions in its licence relating to the protection of privacy, by Distributors, Retailers, the IESO, and other persons to the Licensee's ~~(a)~~ information and data related to the metering of consumers' consumption or use of electricity in Ontario, including data collected from Distributors in accordance with the terms of this licence.

~~(b) telecommunication system that permits the Licensee to transfer data about the consumption or use of electricity to and from its databases, including access to its telecommunication equipment, systems and technology and associated equipment, systems and technologies, in accordance with the terms of this licence.~~

Section 9. Restrictions on Provision of Information

The Licensee shall not use confidential or personal information regarding a Distributor, consumer, Retailer, or any other person obtained for one purpose for any other purpose without the written consent of the consumer, Retailer, or other person.

Section 13. Copies of the Licence

The Licensee shall:

- (a) make a copy of this Licence available for inspection by members of the public on the Licensee's webpage at the Licensee's head office during normal business hours; and
- (b) provide a copy of this Licence to any person who requests it.

Section 14. Dispute Resolution**14.1 The Licensee shall:**

- (a) have a process for resolving disputes with Distributors, ~~consumers, Retailers, and any other person~~, consumers, Retailers, and any other person, that deals with disputes in a fair, reasonable and timely manner;
- (b) publish information which will make Distributors, ~~consumers, Retailers, and any other person~~ aware of, and help them to use, the dispute resolution process; and
- (c) make a copy of the dispute resolution process available ~~for inspection to all Distributors the SME provides service to. at the Licensee's head office during normal business hours; and~~
- (d) ~~give or send, free of charge, a copy of the process to any person who reasonably requests it.~~