



Ontario  
Energy  
Board

Commission  
de l'énergie  
de l'Ontario

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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

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**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.~~



# Smart Metering Entity Licence

## ES-2021-0191

Valid Until

December 31, 2026

*Original Signed By*

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**Brian Hewson**  
**Vice President, Consumer Protection & Industry Performance**  
**Ontario Energy Board**  
**Date of Issuance: September 2, 2021**

Ontario Energy Board  
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## 1 Definitions

### 1.1 In this Licence:

"**Act**" means the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15, Schedule B;

"**Board**" means the Ontario Energy Board;

"**Distributor**" means a person who owns or operates a distribution system;

"**Electricity Act**" means the *Electricity Act, 1998*, S.O. 1998, c. 15, Schedule A;

"**IESO**" means the Independent Electricity System Operator;

"**IESO-controlled grid**" means the transmission systems with respect to which, pursuant to agreements, the IESO has the authority to direct operations;

"**Licensee**" means the Smart Metering Entity;

"**Market Rules**" means the rules made under section 32 of the Electricity Act;

"**Rate Order**" means an order or orders of the Board establishing rates the Licensee is permitted to charge;

"**Regulations**" means regulations made under the Act or the Electricity Act;

"**Retailer**" means a person who retails electricity; and

"**Smart Metering Entity**" means the smart metering entity established under Part IV.2 of the Electricity Act, or more specifically, the IESO which is designated as the Smart Metering Entity by Ontario Regulation 393/07.

## 2 Interpretation

- 2.1 In this Licence, words and phrases shall have the meaning ascribed to them in the Act or the Electricity Act. Words or phrases importing the singular shall include the plural and vice versa. Headings are for convenience only and shall not affect the interpretation of the Licence. Any reference to a document or a provision of a document includes an amendment or supplement to, or a replacement of, that document or that provision of that document. In the computation of time under this Licence, where there is a reference to a number of days between two events, they shall be counted by excluding the day on which the first event happens and including the day on which the second event happens and where the time for doing an act expires on a holiday, the act may be done on the next day that is not a holiday.

## 3 Authorization

- 3.1 The Licensee is authorized, under Part V of the Act, to exercise its powers and perform its duties under the Act or under the Electricity Act subject to the terms and conditions set out in this Licence.
- 3.2 The Licensee shall require licensed Distributors to provide information associated with each meter (modified where necessary to sufficiently render it non-personal information) as required by the Licensee in order to ensure that the Licensee is able to effectively and reliably carry out its mandate.



#### **4 Obligation to Comply with Legislation, Regulations and Market Rules**

- 4.1 The Licensee shall comply with all applicable provisions of the Act, the Electricity Act, and the Regulations.
- 4.2 The Licensee shall comply with all applicable Market Rules.

#### **5 Rates**

- 5.1 The Licensee shall not charge for meeting its obligations under the Act or under the Electricity Act except in accordance with a Rate Order of the Board, or as permitted by law.

#### **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 information and data related to the metering of consumers' consumption or use of electricity in Ontario, including data collected from Distributors.

#### **7 Separation of Business Activities and Accounting**

- 7.1 The Licensee shall keep its financial records associated with the smart metering initiative separate from the IESO's financial records associated with other IESO activities, unless otherwise required or authorized by the Board.
- 7.2 The Licensee shall maintain proper books of account and adhere to generally accepted accounting practices, and shall maintain such financial records or accounts as the Board may require. The Licensee shall notify the Board of any material change to its accounting procedures.

#### **8 Provision of Information to the Board**

- 8.1 The Licensee shall provide, in the manner and form determined by the Board, such information as the Board may require from time to time.
- 8.2 Without limiting the generality of paragraph 8.1, the Licensee shall:
  - (a) provide such information as the Board may require from time to time to enable the Board to monitor the Licensee's compliance with the conditions of this Licence and any other legislative or regulatory requirements set out in this Licence;
  - (b) notify the Board of any material change in circumstances that adversely affects or is likely to adversely affect the Licensee's ability to comply with this Licence, its financial integrity, or its ability to carry out its responsibilities under the Act or the Electricity Act, as soon as practicable after the occurrence of any such change, but in any event within fifteen days of the date upon which such change becomes known to the Licensee; and
  - (c) provide the Board with a description of any processes established by the Licensee under section 53.14 of the Electricity Act and any changes to such processes.

## **9 Restrictions on Provision of Information**

- 9.1 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.
- 9.2 The Licensee shall not disclose information regarding a Distributor, consumer, Retailer, or any other person to any other party without the written consent of the Distributor, consumer, Retailer, or other person, except where such information is required to be disclosed:
- (a) to comply with any legislative or regulatory requirements, including the conditions of this Licence;
  - (b) for purposes related to billing, settlement, market operations, and other statutory objects of the IESO; or
  - (c) for law enforcement purposes.
- 9.3 The Licensee may disclose information regarding Distributors, consumers, Retailers, or any other person where the information has been sufficiently de-identified such that the Distributors', consumers', Retailers', or other person's particular information cannot reasonably be identified.
- 9.4 If the Licensee discloses information under this section, the Licensee shall ensure that the information provided will not be used for any other purpose except the purpose for which it was disclosed.
- 9.5 The Licensee shall inform Distributors, consumers, Retailers, and any other person of the conditions under which their information may be released to a third party without their consent.

## **10 Term of Licence**

- 10.1 This Licence shall take effect on September 2, 2021 and terminate on December 31, 2026. The Board may extend the term of this Licence.

## **11 Fees and Assessments**

- 11.1 The Licensee shall pay all fees charged to it by the Board and all amounts assessed to it by the Board.

## **12 Communication**

- 12.1 The Licensee shall designate a person that will act as a primary contact with the Board on matters related to this Licence. The Licensee shall notify the Board promptly should the contact details change.
- 12.2 All official communication relating to this Licence shall be in writing.
- 12.3 All written communication is to be regarded as having been given by the sender and received by the addressee:
- (a) when delivered in person to the addressee by hand, by registered mail or by courier;
  - (b) ten (10) business days after the date of posting if the communication is sent by regular mail; and

- (c) when received by facsimile or electronic transmission by the addressee, according to the sender's transmission report.

### **13 Copies of the Licence**

13.1 The Licensee shall:

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

13.2 The Licensee may impose a fair and reasonable charge for the cost of providing the copies referred to in section 13.1(b).

### **14 Dispute Resolution**

14.1 The Licensee shall:

- (a) have a process for resolving disputes with Distributors that deals with disputes in a fair, reasonable and timely manner;
- (b) publish information which will make Distributors aware of, and help them to use, the dispute resolution process; and
- (c) make a copy of the dispute resolution process available to all Distributors the SME provides service to.