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Frank D'Andrea

Vice President, Reliability Standards and Chief Regulatory Officer

BY EMAIL AND RESS

October 26, 2021

Ms. Christine E. Long
Registrar
Ontario Energy Board
Suite 2700, 2300 Yonge Street
P.O. Box 2319
Toronto, ON M4P 1E4

Dear Ms. Long,

EB-2021-0183 – Green Button Implementation – Draft OEB Staff Guidance & Proposed Amendments to the Retail Settlement Code Related to O. Reg. 633/21

On October 12, 2021, the Ontario Energy Board (“Board”) issued a Notice of Proposal to amend the Retail Settlement Code (RSC) (the “Notice”) and a letter that provides draft guidance from Board Staff regarding the implementation of Green Button (“the Draft Guidance”). Both the Notice and Draft Guidance are related to, and support the implementation of Ontario Regulation 633/21 (“Green Button Regulation”), which comes into effect on November 1, 2021 and must be implemented by distributors by November 1, 2023.

Under the Green Button Regulation, distributors will be required to make energy usage and account information available in the Green Button format to their customers and third parties authorized by their customers to have access to that information. The information to be made available is identified in the North American Energy Standards Board Energy Services Provider Interface Standard (“NAESB ESPI Standard” or “the Standard”) and constitutes information collected by the distributor and made available to its customers in the normal course of its operations.

While the Draft Guidance and proposed RSC amendments represent an important first step in providing clarity with respect to Green Button, Hydro One Networks Inc. (“Hydro One”) has concerns with some aspects of the approach to implementation and believes that further clarity and

review is required to ensure that Green Button is applied effectively and consistently by all distributors. Please refer to the attachment for our written comments with respect to these matters.

Sincerely,

A handwritten signature in cursive script that reads "Frank D'Andrea".

Frank D'Andrea

GREEN BUTTON IMPLEMENTATION – DRAFT BOARD STAFF GUIDANCE**HYDRO ONE’S COMMENTS****1) Consultation to Date and the Board’s Decision to Establish of an Industry-Led Implementation Working Group**

When the Board initiated its consultation on July 5, 2021 to provide distributors with guidance and direction relating to the implementation of Green Button, the Board invited select distributors and stakeholders within the energy sector to participate on a task force to discuss initial steps for implementing Green Button. Although Hydro One was not asked to participate on the task force, Hydro One would greatly appreciate the opportunity to directly participate in subsequent discussions and planning activities related to Green Button. Given its large service territory and diverse customer base, Hydro One has one of the most complex operating environments in the province and is likely to be affected more than any other electricity distributor by the changes required as part of the Green Button implementation. In our view, the sector as a whole would greatly benefit from the issues and lessons that will be learned by Hydro One during its implementation of Green Button.

Hydro One supports Board staff’s intent to establish an Industry-led Implementation Working Group to discuss issues that may arise as the Green Button implementation progresses and would like to take this opportunity to nominate the following person to represent Hydro One:

Danny Relich

Director, Meter to Bill

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1 **2) Approach to Green Button Implementation**

2 Hydro One supports the Board's overall approach to Green Button implementation and its
3 decision to provide distributors with flexibility to implement Green Button in the manner
4 that is most cost effective for them.

5
6 The Green Button Regulation requires a distributor¹ to make available energy usage and
7 account information identified in the NAESB ESPI Standard that the distributor currently
8 collects and makes available to customers in *the normal course of the distributor's*
9 *operations* (collectively, "Energy Data"), if applicable, to a person or entity who has been
10 authorized by the customers to receive such Energy Data. Energy Data must be provided
11 for intervals of one hour or less, subject to any limitations of the distributor's metering
12 infrastructure and for at least the lesser of, (i) the previous 24 months and (ii) the period of
13 time within the previous 24 months during which the customer held an account with the
14 distributor.

15
16 Hydro One supports the Board's efforts to clarify certain details and requirements for
17 Green Button implementation by providing the Draft Guidance. However, Hydro One has
18 certain concerns with the proposed approach for sharing customer information with a third
19 party and requests further clarification from the Board. Hydro One agrees with the Board
20 that it is imperative that customers clearly understand the decision that they are making by
21 agreeing to share their Energy Data with authorized third parties. The importance of
22 informed consent is critical, as the Board cannot regulate or control a third party's use of a
23 customer's Energy Data once they have been granted access to the Energy Data by the
24 customer. At the same time, distributors need to be able to implement an efficient and
25 effective process for obtaining customer authorization that achieves the desired objectives
26 of Green Button.

¹ The obligation to make energy data available under section 25.35.8 of *the Electricity Act, 1998* applies to "energy providers", which is defined in the Green Button Regulation as including most electricity and natural gas distributors.

1 After reviewing Board Staff's guidance regarding the process for customer authorization
2 and revocation, Hydro One has difficulty in understanding how these processes can be
3 implemented effectively, while also ensuring that customers are properly informed and
4 their information is protected. Specifically, Hydro One requests further clarification from
5 the Board with respect to the following:

- 6
7 • It is unclear how customers will receive requests to provide authorization to share
8 their Energy Data with a third party and what role distributors are expected to play
9 in facilitating this process. If the Board is contemplating that customers would
10 provide authorization through their online account, is there any need for additional
11 authentication? If a customer does not have an online account, it is not clear how
12 they would receive a request to authorize sharing the customer's Energy Data with
13 a third party.
- 14 • Are customers expected to authorize sharing their Energy Data with each third party
15 that requests access to the Energy Data? Or, are customers expected to provide a
16 one-time authorization that allows their Energy Data to be shared with all third
17 parties who request the Energy Data through the distributor?
- 18 • How are distributors supposed to balance between developing a simple data
19 authorization process and ensuring that customers are properly informed of the
20 Energy Data that will be shared and how it will be used? In seeking authorization
21 from customers, do distributors need to specify what information will be shared
22 with the third party requesting the Energy Data and how this information is intended
23 to be used?
- 24 • Distributors are not responsible for and cannot control what a third party will do
25 with the customer's Energy Data once the information is shared with them by
26 reason of customer authorization/consent. Any decision to share Energy Data with
27 a third party ultimately resides with the customer. The policy regarding privacy of
28 Energy Data should simply provide that the distributor will not share the
29 Customer's Energy Data with any third party other than in accordance with either
30 the terms of its distribution licence or in accordance with the customer's

1 authorization. The policy would also inform the customer that the distributor has
2 no control over how the Energy Data will be used by the third party and as such,
3 that the customer is responsible for obtaining from the third party, the terms and
4 conditions (including purpose) associated with the third party's collection, use and
5 disclosure of the customer's Energy Data prior to authorizing the distributor to
6 provide it to the third party. If the Green Button Regulation allows for Energy Data
7 to be shared and the customer consents to the sharing of their Energy Data, it is the
8 customer's responsibility to understand and accept the terms and conditions that
9 they have agreed to with the third party.² Distributors do not and cannot control
10 what the third party will do with a customer's Energy Data once the information is
11 shared with them based on the customer's authorization.

- 12 • Are distributors expected to play a role in vetting the third parties that wish to obtain
13 access to the data of their customers, and if so, what is that role and how are
14 distributors expected to play that role and at whose cost? Could a distributor choose
15 not to offer to share its customers' Energy Data with a third party depending on
16 how it is intended to be used or only offer to share certain Energy Data with the
17 third party?
- 18 • As previously mentioned, once a customer elects to share its information with a
19 third party, distributors (and other energy providers) cannot control or monitor how
20 the third party will use the customer information. Therefore, it is not clear how a
21 distributor or other energy provider would become aware of a significant violation
22 of the terms of conditions under which access to the energy data was provided to
23 the third party. In the Draft Guidance, Board staff states that it would generally not
24 be a distributor's role to monitor the behaviour of a third party once the customer
25 agrees to share its Energy Data with the third party.
- 26 • If a customer elects to revoke its authorization to share its Energy Data with a third
27 party, the authorization and the policy should clearly provide that upon such
28 revocation, the third party will no longer have access to the customer's Energy Data
29 on a go-forward basis. However, is the third party still able to use the Customer

² Appendix B – Draft Template Authorization Form (template authorization form).

1 Data in its possession, for which access was provided by the customer prior to
2 revocation, as it sees fit? Does the distributor need to make the customer aware of
3 this, i.e. should it be a term of the policy? In our view, the Green Button Regulation
4 could put distributors and other energy providers in a difficult position between the
5 customer and third party, including in situations where a customer elects to revoke
6 authorization to share its Energy Data.

7

8 **3) Performance Metrics related to Green Button (Service Quality Requirements)**

9 In the Draft Guidance, the Board states that although specific performance metrics related
10 to Green Button (in the nature of service quality requirements) are not being proposed at
11 this time, Reporting and Record-keeping Requirements (RRR) related to Green Button may
12 be established to monitor implementation by distributors. Hydro One believes that there is
13 little merit in capturing Green Button implementation progress in RRR as it would
14 unnecessarily duplicate work of every three-month progress report (if required by the
15 Board).

16

17 The Board also indicates that RRR may cover areas related to user experience, such as
18 website performance and communication between distributors and third parties, and may
19 inform the establishment of new rules or metrics in the future. Hydro One is unsure as to
20 how a measure could be developed to quantify or assess performance in a meaningful way.
21 That notwithstanding, Hydro One is willing to work with the Board to determine how best
22 to incent achievement of the desired performance in this regard.

23

24 **4) Deferral Account**

25 Hydro One supports the Board's decision to establish a generic deferral account for rate-
26 regulated distributors to record the incremental costs directly attributable to the
27 implementation of the Green Button because these costs may be material. Hydro One
28 expects that its implementation costs will be material and currently estimates these costs to
29 be in the range of \$4-6 million, subject to a more detailed requirements assessment.

1 Hydro One notes that the Draft Guidance does not specify whether the Board's approved
2 deferral account would also be used to cover any ongoing costs to support the
3 administration and provision of Green Button services to customers and authorized third
4 parties. Presently, Hydro One does not have any insight into whether those costs will be
5 material or not until further progress is made with respect to the solution build.
6 Nonetheless, Hydro One believes that the Board should clarify that the established deferral
7 account would cover both capital and ongoing operation & maintenance costs associated
8 with the Green Button implementation.

9
10 **5) Reporting on Implementation Progress**

11 To enable the Board to monitor the progress of implementation of Green Button and to
12 identify as early as possible any barriers to implementation, distributors are asked to report
13 every three months on their progress towards the implementation. The Board notes that
14 further details regarding the reporting requirements would be made available in advance of
15 the first report. The first report will be due January 31, 2022, for the period November
16 2021-January 2022.

17
18 To ensure that distributors are able to satisfy the reporting requirements and effectively
19 report on their progress, Hydro One believes that distributors and stakeholders should have
20 an opportunity to review and comment on the reporting requirements for every 3-month
21 before the requirements are finalized and applied.