

Patrick G. Duffy  
Direct: +1 416 869 5257  
pduffy@stikeman.com

October 29, 2021  
File No.: 101926.1144

**By Email and RESS**

Ontario Energy Board  
P.O. Box 2319  
2300 Yonge Street, 27<sup>th</sup> Floor  
Toronto, ON M4P 1E4

Attention: Christine E. Long, Registrar and Board  
Secretary

Dear Ms. Long:

**Re: 2021 Third Party Application**

We are counsel to the Independent Electricity System Operator (“**IESO**”) in its capacity as the Smart Metering Entity (“**SME**”).

We enclose the SME’s application to expand third party access beyond the IESO and Ontario Energy Board to Canadian Governmental Entities, as described in Exhibit-B-5-1 Defined Terms, and to provide access under a no-fee model for standard requests, as described in Exhibit B-1-1 The Proposed Third Party Access Plan.

The expansion of access to the data held by the SME proposed in this application has been prepared based on what the SME heard from smart meter consumers, which is described in the Smart Meter Data Research Report prepared by Ipsos, which is included in this application.

Throughout 2020 and 2021, the SME consulted on this application with intervenors from the prior third party access application and met and consulted with multiple other stakeholders, as described in Exhibit B-2-1 Consultations with Prior Intervenors and Other Stakeholders.

The input from smart meter consumers and stakeholders has been a valuable input in the development of this application, which the SME believes is a reasonable expansion of access to the smart metering data held by the SME.

In light of the consultations undertaken by the SME in the development of this application, the SME proposes that a settlement conference should precede interrogatories in this matter. This proposal is not intended to subvert the normal hearing process or avoid examination of the application by parties. It is recognized that this is an unusual step and, as such, the SME asks that in its Notice the OEB seek comment from parties that file for intervenor status, and OEB staff, on whether they agree with this proposal.

The SME has prepared a draft issues list, below, for consideration by the OEB and parties to this proceeding:

## Draft Issues List

1. Is the proposal that access only be provided to those listed, the “**Canadian Governmental Entities**” as defined in Ex B-6-5 Defined Terms & Acronyms appropriate?
2. Is the proposal that the costs for providing access for standard requests should be recovered through the Smart Meter Charge appropriate?
3. Is the proposal that, for non-standards requests, access should be provided at cost and charged to the requestor appropriate?
4. Are the basic terms of the Data Use Agreement appropriate?

Yours truly,



Patrick G. Duffy

PGD/

cc. Adrian Pye, *IESO*  
Michael Bell, *Ontario Energy Board*  
Ted Wignor and Kathryn Farmer, *Energy Distributors Association (EDA)*  
Julie Girvan, *Consumers Council of Canada (CCC)*  
John Lawford, *Public Interest Advocacy Centre (PIAC)*  
Mark Garner, *Vulnerable Energy Consumers Coalition (VECC)*  
Albert Engel, *Building Owners and Managers Association (BOMA)*