



**Independent Electricity System Operator, in its capacity  
as the Smart Metering Entity**

**Application to provide access to de-identified electricity  
consumption data to third parties that are Canadian  
Governmental Entities**

**PROCEDURAL ORDER NO. 1  
December 13, 2021**

The Independent Electricity System Operator (IESO), in its capacity as the Smart Metering Entity (SME), filed an application with the Ontario Energy Board (OEB) on October 29, 2021 under section 78 of the *Ontario Energy Board Act, 1998*, Ontario Regulation 453/06 made under the *Ontario Energy Board Act, 1998* and subsections 53.8 of the *Electricity Act, 1998* (Application). The Application seeks OEB approval to:

- Expand third party access to de-identified electricity consumption data beyond the IESO and OEB to Canadian Governmental Entities
- Provide access to de-identified consumption data under a no-fee model for standard requests, with costs covered by the Smart Metering Charge
- Provide access to de-identified consumption data under a cost recovery model of \$145.00 per hour for complex requests
- Use basic terms of the Data Use Agreement and the provision to tailor the Data Use Agreement to suit specific circumstances

A Notice of Hearing was issued on November 16, 2021. Each of Building Owners and Managers Association (BOMA), Consumers Council of Canada (CCC), Electricity Distributors Association (EDA), Energy Probe Research Foundation (Energy Probe), Ontario Sustainable Energy Association (OSEA) and Vulnerable Energy Consumers Coalition (VECC) applied for intervenor status. BOMA, CCC, Energy Probe, OSEA and VECC applied for cost eligibility.

No objection was received from the IESO.

BOMA, CCC, EDA, Energy Probe, OSEA and VECC are approved as intervenors. The list of parties in this proceeding is attached as Schedule A to this Procedural Order.

BOMA, CCC, Energy Probe, OSEA and VECC are eligible to apply for an award of costs under the OEB's [Practice Direction on Cost Awards](#).

Cost eligible intervenors should be aware that the OEB will not generally allow the recovery of costs for the attendance of more than one representative of any party unless a compelling reason is provided when cost claims are filed.

Being eligible to apply for recovery of costs is not a guarantee of recovery of any costs claimed. Cost awards are made by way of OEB order at the end of a hearing.

## Process

The IESO requested that the OEB consider a streamlined process for the review of the application and proposed that the OEB convene a settlement conference before initial discovery.<sup>1</sup> The IESO noted that its intention is not to avoid or subvert the discovery process and acknowledged that its request is not consistent with the OEB's standard approach. The IESO stated that because of the extensive consultation it has already undertaken in the preparation of the application, it is of the view that initial discovery is not necessary in this case and that the issues can be resolved expeditiously through a settlement process.

In its intervention letter VECC stated that it did not have any objections to the IESO's proposal and recommended that the OEB consider making provision for parties to clarify matters related to the evidence at the start of the settlement conference. The EDA stated that it is not opposed to the IESO's request, but that if the request is granted, that the EDA have "the ability to revisit this position for whether the record of this proceeding is appropriately complete and for whether the approach has introduced risks to intervenors and interested parties."

The OEB will proceed with the process requested by the IESO. At this time the OEB is convening a four-day settlement conference. At the outset of the settlement conference parties will have an opportunity to clarify matters related to the IESO's evidence and develop an issues list. Parties may use the IESO's proposed Issues List<sup>2</sup> as the starting point for their discussions relating to the development of an Issues List. The OEB also notes that because there is no initial discovery, any settlement proposal must provide sufficient detail in support of any settled issues. If there are any corrections to the IESO's evidence because of the evidence clarification process, the changes should be clearly identified at the time the settlement proposal is filed.

---

<sup>1</sup> EB-2021-0292, Cover Letter to Application, p.1, October 29, 2021

<sup>2</sup> EB-2021-0292, Cover Letter to Application, p.2, October 29, 2021

If a settlement is reached, provision will be made for the presentation of any settlement proposal filed by the IESO.

It is necessary to make provision for the following matters related to this proceeding. Further procedural orders may be issued by the OEB.

**IT IS THEREFORE ORDERED THAT:**

1. A **4-day** settlement conference among the parties and OEB staff will be convened on **January 17, 2022**, starting at 9:30 a.m. At the outset of the settlement conference, parties will have the opportunity to clarify matters related to the IESO's evidence and develop an Issues List. The settlement conference will continue **January 18, 20 and 21, 2022**. The settlement conference will be a virtual event and information on how to participate will be provided at a later date.
2. **Within 48 hours** of the conclusion of the settlement conference, the IESO shall file a letter informing the OEB of the status of the settlement discussions, including whether a tentative agreement was reached on all issues. If there is no agreement on all issues, the IESO shall file a statement to that effect with the OEB.
3. Any settlement proposal arising from the settlement conference shall be filed with the OEB on or before **February 15, 2022**. The settlement proposal should contain a list of any unsettled issues and a proposal on how the parties propose to address the unsettled issues.
4. Any submission from OEB staff on a settlement proposal shall be filed with the OEB and served on all parties by **February 23, 2022**.
5. The OEB is setting a tentative date of **March 4, 2022, from 9:30 a.m. to 12:00 p.m.** for the IESO to present to the OEB any settlement proposal. OEB staff will, at the direction of the OEB, confirm or amend this date in subsequent correspondence.

Parties are responsible for ensuring that any documents they file with the OEB, such as applicant and intervenor evidence, interrogatories and responses to interrogatories or any other type of document, **do not include personal information** (as that phrase is defined in the *Freedom of Information and Protection of Privacy Act*), unless filed in accordance with rule 9A of the OEB's [Rules of Practice and Procedure](#).

Please quote file number, **EB-2021-0292** for all materials filed and submit them in searchable/unrestricted PDF format with a digital signature through the [OEB's online filing portal](#).

- Filings should clearly state the sender's name, postal address, telephone number and e-mail address
- Please use the document naming conventions and document submission standards outlined in the [Regulatory Electronic Submission System \(RESS\) Document Guidelines](#) found at the [Filing Systems page](#) on the OEB's website
- Parties are encouraged to use RESS. Those who have not yet [set up an account](#), or require assistance using the online filing portal can contact [registrar@oeb.ca](mailto:registrar@oeb.ca) for assistance

All communications should be directed to the attention of the Registrar at the address below and be received by end of business, 4:45 p.m., on the required date.

With respect to distribution lists for all electronic correspondence and materials related to this proceeding, parties must include the Case Manager, Michael Bell at [Michael.Bell@oeb.ca](mailto:Michael.Bell@oeb.ca) and OEB Counsel, Ian Richler at [Ian.Richler@oeb.ca](mailto:Ian.Richler@oeb.ca).

Email: [registrar@oeb.ca](mailto:registrar@oeb.ca)

Tel: 1-877-632-2727 (Toll free)

**DATED** at Toronto, **December 13, 2021**

**ONTARIO ENERGY BOARD**

**By delegation, before: Christine E. Long**

*Original signed by*

Christine E. Long  
Registrar

**SCHEDULE A**  
**LIST OF APPLICANTS AND INTERVENORS**  
**INDEPENDENT ELECTRICITY SYSTEM OPERATOR**  
**EB-2021-0292**  
**December 13, 2021**

Independent Electricity System Operator  
EB-2021-0292

**APPLICANT & LIST OF INTERVENORS**

December 13, 2021

---

**APPLICANT**

**Rep. and Address for Service**

**Independent Electricity  
System Operator**

**Miriam Heinz**

Advisor, Regulatory Affairs  
Independent Electricity System Operator  
1600-120 Adelaide St. W.  
Toronto, ON M5H 1T1

Tel: 416-969-6045  
Fax: 416-969-6383  
[regulatoryaffairs@ieso.ca](mailto:regulatoryaffairs@ieso.ca)

**APPLICANT COUNSEL**

**Patrick Duffy**

Stikeman Elliott LLP  
5300 Commerce Court W.  
199 Bay Street  
Toronto ON M5L 1B9  
Tel: 416-869-5257  
Fax: 416-947-0866  
[pduffy@stikeman.com](mailto:pduffy@stikeman.com)

**INTERVENORS**

**Rep. and Address for Service**

**Building Owners and  
Managers Association,  
Greater Toronto**

**Albert Engel**

Partner  
Fogler, Rubinoff LLP  
77 King Street West  
Suite 3000  
P.O. Box 95, TD Centre North Tower  
Toronto ON M5K 1G8  
Tel: 416-864-7602  
[aengel@foglerr.com](mailto:aengel@foglerr.com)

Independent Electricity System Operator  
EB-2021-0292

**APPLICANT & LIST OF INTERVENORS**

December 13, 2021

---

**Building Owners and  
Managers Association,  
Greater Toronto**

**Ian Jarvis**

President  
Enerlife Consulting Inc.  
90 Eglinton Avenue East  
Suite 412  
Toronto ON M4P 2Y3  
Tel: 416-915-1530 Ext: 203  
Fax: 416-915-1534  
[ijarvis@enerlife.com](mailto:ijarvis@enerlife.com)

**Gillian Henderson**

Enerlife Consulting Inc.  
90 Eglinton Avenue East  
Suite 412  
Toronto ON M4P 2Y3  
Tel: 16-915-1530  
[gillian.henderson@enerlife.com](mailto:gillian.henderson@enerlife.com)

**Matthew Rutledge**

Fogler, Rubinoff LLP  
77 King Street West, Suite 3000  
TD Centre North Tower, P.O. Box 95  
Toronto ON M5K 1G8  
Tel: 416-864-7607  
Fax: 416-941-8852  
[mrutledge@foglars.com](mailto:mrutledge@foglars.com)

**Consumers Council of  
Canada**

**Julie Girvan**

Consultant  
Consumers Council of Canada  
J. E. Girvan Enterprises  
62 Hillside Ave. East  
Toronto ON M4S 1T5  
Tel: 416-322-7936  
Fax: 416-322-9703  
[jgirvan@uniserve.com](mailto:jgirvan@uniserve.com)

---

Independent Electricity System Operator  
EB-2021-0292

**APPLICANT & LIST OF INTERVENORS**

December 13, 2021

---

**Electricity Distributors  
Association**

**Ted Wigdor**

Vice President  
Electricity Distributors Association  
3700 Steeles Ave. W.  
Suite 1100  
Vaughan ON L4L 8K8  
Tel: 905-265-5362  
[twigdor@eda-on.ca](mailto:twigdor@eda-on.ca)

**Kathi Farmer**

Senior Regulatory Affairs Advisor  
Electricity Distributors Association  
3700 Steeles Ave. W.  
Suite 1100  
Vaughan ON L4L 8K8  
Tel: 905-265-5333  
[kfarmer@eda-on.ca](mailto:kfarmer@eda-on.ca)

**Energy Probe Research  
Foundation**

**Tom Ladanyi**

TL Energy Regulatory Consultants Inc.  
41 Divadale Drive  
Toronto ON M4G 2N7  
Tel: 416-423-3685  
[tom.ladanyi@rogers.com](mailto:tom.ladanyi@rogers.com)

**Ontario Sustainable Energy  
Association**

**Joanna Vince**

Counsel  
Willms & Shier Environmental Lawyers LLP  
1 Toronto Street  
Suite 900  
Toronto ON M5C 2V6  
Tel: 416-862-4830  
Fax: 416-863-1938  
[jvince@willmsshier.com](mailto:jvince@willmsshier.com)



Independent Electricity System Operator  
EB-2021-0292

**APPLICANT & LIST OF INTERVENORS**

December 13, 2021

---

**Ontario Sustainable Energy  
Association**

**Raeya Jackiw**

Counsel  
Willms & Shier Environmental Lawyers LLP  
1 Toronto Street  
Suite 900  
Toronto ON M5C 2V6  
Tel: 416-862-4827  
Fax: 416-863-1938  
[rjackiw@willmsshier.com](mailto:rjackiw@willmsshier.com)

**Travis Lusney**

Manager  
Power Advisory LLC  
55 University Avenue  
Suite 605 - PO Box 32  
Toronto ON M5J 2H7  
Tel: 647-680-1154  
[tlusney@poweradvisoryllc.com](mailto:tlusney@poweradvisoryllc.com)

**Vulnerable Energy  
Consumers Coalition**

**Mark Garner**

Consultant - Project Manager  
Consultant  
647 Broadway Avenue  
Toronto ON M4G 2S8  
Tel: 647-408-4501  
[markgarner@rogers.com](mailto:markgarner@rogers.com)

**John Lawford**

Counsel  
Public Interest Advocacy Centre  
One Nicholas Street  
Suite 1204  
Ottawa ON K1N 7B7  
Tel: 613-562-4002 Ext: 125  
[jlawford@piac.ca](mailto:jlawford@piac.ca)