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BY EMAIL

January 30, 2026

Phillip Chisulo
Senior Advisor, Regulatory Affairs
Independent Electricity System Operator
120 Adelaide Street West, Suite 1600
Toronto ON M5H 1T1
regulatoryaffairs@ieso.ca

Dear Phillip Chisulo:

**Re: Independent Electricity System Operator, in its Capacity as the Smart Metering Entity
Application to Approve Fees for Providing Expanded Third Party Access to Smart Metering Data and to Amend Section 6.1 of the Smart Metering Entity Licence
OEB File Number: EB-2025-0272**

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 November 7, 2025 under sections 74 and 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*.

The application seeks OEB's approval to:

- charge a fee of \$145/hour on a cost recovery basis to provide third party access to de-identified SME data to “Canadian-Status Non-Governmental Entities” and to other entities when such access is required to support government or OEB directed initiatives and activities; and
- amend section 6.1 of the SME Licence to enable the SME to provide and promote non-discriminatory access on appropriate terms and subject to any conditions in the SME Licence relating to protection of privacy, to information and data related to the metering of electricity that is conveyed into a distributor's distribution system.

The SME has requested that the application be decided without a hearing.

A Notice of Application (Notice) was issued on December 5, 2025, inviting interested parties to file requests for hearing. The OEB did not receive any requests for a hearing.

This application has been assigned to a panel of Commissioners: Vinay Sharma (presiding), Allison Duff, and Shahrzad Rahbar.

Clarification Questions

Before determining the next steps in this proceeding, the OEB requires clarification from the SME on the following matters:

1. \$145/hour Fee Structure

The SME is proposing to charge a fee of \$145/hour on a cost recovery basis to provide third party access to SME data for Canadian-Status Non-Governmental Entities. This \$145/hour fee is same as the fee that was established in a previous SME's proceeding¹ for governmental entities.

- a) Is the current fee sufficient to fully recover current hourly costs incurred to meet government entity requests for data?
- b) Please elaborate on why the SME is proposing the same fee structure for governmental and non-governmental entities?

In your response please explain how the SME considered (i) potential differences in the data requests from these entities and the inherent work involved from the SME (ii) any assessment of whether commercial value should influence the fee structure (iii) customer feedback.²

- c) Please provide the year-end balances of the Operating Reserve Balancing Account balance related to cost recovery (for governmental entities) for each of the past four years (2022, 2023, 2024, and 2025). Do these annual balances support the approvals sought in this application?

2. Licence Amendment for Distributed Energy Resources (DER) Meter Data

The SME's proposed licence amendment will enable collecting of and providing access to DER meter data, including net-metering data. The application states

¹ EB-2021-0292

² EB-2021-0292, Exhibit B-6-1 Appendix 1 – IESO Smart Meter Data Research Report (conducted by Ipsos)

that the “requested licence amendment will create consistency between the third party access framework and the SME’s legislative authority.”

- a) Please clarify whether the SME has already been collecting the DER meter data (including net-metering data). When will the DER meter data be available for third party access requests?

3. Data Protection and Potential Fraudulent Use

- a) Since 2022 when the OEB approved the framework for third party access and found that it was reasonable for the protection of consumer privacy,³ what changes or improvements have been made to the Ethics Committee review process? If changes have been made, please explain how these have been accommodated and why the framework continues to be reasonable in 2026.
- b) Did the SME consider whether the Data Use Agreement needed any revisions in light of the proposal to expand SME data access?
- c) Please explain what steps have been taken to prevent or detect the misuse of data provided to third parties. For example, what safeguards are in place to prevent malicious activities such as using SME data to enhance the credibility of scams involving false threats of disconnection?

Confidentiality Request – Accenture Report

The SME requested confidential treatment for the entire report entitled *Assessment of Risks & Opportunities with Expanding Third Party Access to Smart Metering Entity Data* dated September 23, 2024 prepared by Accenture Inc. (Accenture Report).⁴ The SME claimed that the confidential treatment of the Accenture Report meets factors (a)(iv), (b) and (c) of Appendix A of the Practice Direction on Confidential Filings.

The OEB does not find the request for confidential treatment sufficiently supported. Further the OEB does not accept that the entire Accenture Report should remain confidential. If the Accenture Report is relied upon as evidence to support the application, at a minimum, the context, assumptions and conclusions should be on the public record. If the Accenture Report is not intended to justify expanding SME data access to commercial third parties as a key piece of evidence supporting the application, it may be withdrawn from the record of this proceeding.

³ EB-2021-0292, Decision and Order, March 24, 2022, p.7

⁴ EB-2025-0272, Exhibit B-1-3

Consistent with Section 5.1.4 (b) of the OEB's Practice Direction on Confidential Filing, the SME should file an updated confidentiality request with a table which sets out the specific sections of the Accenture Report supported by reasons why confidential treatment is requested.

The OEB requires the SME to file its responses to the above OEB clarification questions as well as the information related to the current confidentiality request by **February 13, 2026**.

Please direct any questions relating to this letter to the Case Manager, Katherine Wang at Katherine.Wang@oeb.ca and OEB Counsel, Ian Richler at Ian.Richler@oeb.ca.

Yours truly,

Ritchie Murray
Acting Registrar

c: Patrick G. Duffy, Stikeman Elliott LLP