



NOTICE OF PROPOSAL TO AMEND A CODE
PROPOSED AMENDMENTS TO THE RETAIL SETTLEMENT CODE

BOARD FILE NO.: EB-2008-0297

**To: All Licensed Electricity Distributors
All Licensed Electricity Retailers
Independent Electricity System Operator
All Other Interested Parties**

Re: Code Amendments for Access to the Meter and Meter Data

The Ontario Energy Board (the "Board") is giving notice under section 70.2 of the *Ontario Energy Board Act, 1998* (the "Act") of proposed amendments to the Retail Settlement Code (the "RSC").

The Board will not be granting cost awards in this matter.

I. Background

A lack of clarity in the wording of sections 11.1 and 11.2 of the RSC has been causing confusion within the electricity industry. The Board therefore finds it advisable to propose a number of amendments to sections 11.1 and 11.2 of the RSC to clarify the rights of consumers and retailers, and the obligations of distributors, to provide access to meters and meter information regardless of what type of meter is used.

II. Summary of the Proposed Amendments

The text of the proposed amendments to the RSC is set out in Attachment A to this Notice.

The amendments seek to clarify the terms "valid meter information" (i.e., verified meter usage data) and "unverified meter data" (i.e., raw meter usage data) and to use them consistently throughout the amendments. The amendments also seek to clarify that the right to information belongs to the consumer and can be delegated by each consumer to his or her agent or retailer. These rights belong to the consumer regardless of the rate class of the consumer or the technological capability of the meter provided.

In order to encompass all metering situations and technologies, the amendments have been written to be as generic as possible. The generic wording will be beneficial

because it will not require the Board to amend the RSC repeatedly in order to keep up with new technologies. By focussing on access rather than meter type, the Code will not lag available technology and capabilities and should allow the consumer to derive maximum benefit regardless of the meter type.

While consumers are entitled to both valid and unverified data, the means of accessing the two data types will be quite different. Thus the amendments go on to separate the requirements for access to meter information into requirements for valid meter information in the proposed section 11.1 and those for unverified meter data in the proposed section 11.2.

The amendments remove all repetition of the requirements for posting of information on the Electronic Business Transactions (the "EBT") System in favour of referring to section 5.2 where these requirements are more fully described. The list of valid meter information to be provided in the proposed section 11.1.1 is unchanged from the original list in section 11.1.

The conditions listed in the proposed section 11.2.2 for consumer or agent access to the meter for unverified meter data have been modified slightly for clarity but are unchanged in intent from the original list in section 11.2.

III. Anticipated Costs and Benefits of the Proposed Amendments

The Board expects the proposed amendments to clarify rights and obligations and thereby reduce the areas of disagreement between consumers or their agents, retailers, and distributors. The further clarity in the wording may result in fewer conflicts between the various parties, thereby easing the implementation of energy management through the use of real-time or near-real-time monitoring devices in both commercial and residential settings.

IV. Coming into Force

The Board proposes that the proposed amendments to the RSC described above and set out more fully in Attachment A to this Notice come into force on the date that the final amendments are published on the Board's website.

V. Invitation to Comment

All interested parties are invited to make written submissions on the Board's proposed amendments to the RSC set out in Attachment A by February 5, 2009.

Three (3) paper copies of each filing must be provided, and should be sent to:

Kirsten Walli
Board Secretary
Ontario Energy Board
P.O. Box 2319
2300 Yonge Street
Suite 2700
Toronto, Ontario
M4P 1E4

The Board requests that interested parties make every effort to provide electronic copies of their filings in searchable/unrestricted Adobe Acrobat (PDF) format, and to submit their filings through the Board's web portal at www.errr.oeb.gov.on.ca. A user ID is required to submit documents through the Board's web portal. If you do not have a user ID, please visit the "e-filing services" webpage on the Board's website at www.oeb.gov.on.ca, and fill out a user ID password request. Additionally, interested parties are requested to follow the document naming conventions and document submission standards outlined in the document entitled "RESS Document Preparation – A Quick Guide" also found on the "e-filing services" webpage. If the Board's web portal is not available, electronic copies of filings may be filed by email at boardsec@oeb.gov.on.ca.

Those that do not have internet access should provide a CD or diskette containing their filing in PDF format.

Filing to the Board must be received by the Board Secretary by 4:45 p.m. on the required date. They must quote file number EB-2008-0297 and include your name, address, telephone number and, where available, your e-mail address and fax number.

This Notice, including the attached proposed amendments to the RSC, and all written submissions received by the Board in response to this Notice, will be available for public viewing on the Board's website at www.oeb.gov.on.ca and at the office of the Board during normal business hours.

If you have any questions regarding the proposed amendments described in this Notice, please contact Laurie Reid at 416-440-7623. The Board's toll free number is 1-888-632-6273.

DATED at Toronto, January 8, 2009.

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary

Attachments:

Attachment A: Proposed Amendments to the Retail Settlement Code

Attachment A

Proposed Amendments to the Retail Settlement Code

1. The introduction to Chapter 11 of the Retail Settlement Code is deleted and replaced with the following:

This chapter describes the rights of consumers and retailers to access current and historical valid meter information (i.e., verified meter usage data) and unverified meter data (i.e., raw meter usage data) and related information. This chapter also describes the obligations of distributors in providing access to such information.

2. Section 11.1 of the Retail Settlement Code is deleted and replaced with the following:

11.1 Customer Access to Valid Meter Information

11.1.1 A distributor shall make the following information available to a consumer within the distributor's service area:

- (a) the distributor's meter number for the meter or meters located at the consumer's service address;
- (b) the consumer's service address;
- (c) the distributor's account number;
- (d) the date of the most recent meter reading;
- (e) the date of the previous meter reading;
- (f) multiplied kilowatt-hours recorded at the time of the most recent meter reading;
- (g) multiplied kilowatt-hours recorded at the time of the previous meter reading;
- (h) multiplied kW for the billing period (if demand metered);
- (i) multiplied kVA for the billing period (if available);
- (j) valid usage (kWh/h) for each hour during the billing period for interval-metered consumers;
- (k) an indicator of the read type (e.g., distributor read, consumer read, distributor estimate, etc.); and
- (l) average distribution loss factor for the billing period.

11.1.2 Upon written authorization from a consumer located within the distributor's service area, a distributor shall make the information listed in section 11.1.1 available to a retailer that provides electricity to that consumer. A distributor shall make the information listed in section 11.1.1 available to retailers through the EBT System in accordance with section 5.2.

3. Section 11.2 of the Retail Settlement Code is deleted and replaced with the following:

11.2 Customer Access to Unverified Meter Data

11.2.1 A consumer has the right to access his or her meter in order to obtain unverified meter data, or to assign this right to others, in accordance with any relevant technical specifications and codes.

11.2.2 If a consumer desires regular access to his or her meter in order to obtain unverified meter data, a distributor shall provide access under the following conditions:

- (a) a consumer shall pay the reasonable cost of any software, hardware or other services required for a consumer to obtain direct access to unverified meter data (which may include costs for the installation of a secondary meter access system);
- (b) the timing of consumer access to the meter is negotiable with the distributor; however, a distributor has priority when selecting access windows for the purpose of reading the meter;
- (c) if a distributor's access to the meter is hindered or a consumer's access to the meter corrupts unverified meter data, a distributor may suspend a consumer's right to access until any outstanding problems are resolved;
- (d) a consumer shall bear any cost incurred by a distributor to correct problems caused by a consumer's direct access to the meter; and
- (e) if a consumer assigns his or her right to direct meter access to a third party, the consumer shall remain responsible for the action of the assigned party.