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BY E-MAIL AND WEB POSTING

November 1, 2021

**TO: All Licensed Electricity Distributors
All Natural Gas Distributors
All Other Interested Stakeholders**

**RE: Green Button Implementation – OEB Staff Guidance
OEB File No. EB-2021-0183**

Ontario Energy Board (OEB) staff is releasing guidance to assist electricity and natural gas distributors' (collectively "distributors")¹ implementation of the Green Button standard in a timely, efficient, and cost-effective manner.

On October 12, 2021, OEB staff issued a letter (the October 12th letter) inviting comments on draft guidance that it had developed to assist distributors in implementing Green Button in Ontario in a manner consistent with the requirements set out in [Ontario Regulation 633/21](#) (Green Button Regulation) made under the *Electricity Act, 1998*. Further information on the consultation preceding the issuance of OEB staff's draft guidance, including the work of the Green Button implementation task force (GB Task Force), is set out in the October 12th letter.

The OEB received 9 sets of comments from distributors and other stakeholders on OEB staff's draft guidance. OEB staff acknowledges and appreciates this helpful feedback. In general, stakeholders appeared to support the overall approach of providing guidance rather than prescriptive rules at this stage, to allow flexibility as distributors begin their implementation. Based upon its review of these comments, OEB staff has revised its guidance on the implementation of Green Button as described below, and a final version of the guidance is available on the OEB Green Button Implementation [webpage](#). For information purposes, Appendix A to this letter shows the changes made relative to the draft guidance set out in the October 12th letter.

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.

The OEB has also today issued a [Notice of Amendments to the Retail Settlement Code](#) and an [Accounting Order](#) establishing a deferral account in relation to the implementation of Green Button.

Industry-led Working Group

In addition to soliciting feedback on the draft guidance, the October 12th letter noted that OEB staff intends to support the establishment of an industry-led working group to support distributors, their IT service providers (vendors), third parties, consumer groups and other interested stakeholders during the implementation period, and invited stakeholders to express interest in participating in the working group. Eight stakeholders indicated their interest in and support for such a working group.

OEB staff will proceed with the establishment of the working group. OEB staff expects the working group will explore Green Button implementation issues that have been raised by stakeholders' comments, previously in GB Task Force meetings, as well as issues OEB staff has identified in this letter. The working group will also serve to address issues that arise as distributors go through the process of implementing Green Button in accordance with the Green Button Regulation. Any other stakeholders interested in participating in the working group are asked to advise OEB staff of such interest by contacting Eamon O'Riordan at Eamon.ORiordan@oeb.ca by November 12, 2021. Invitations to the initial working group meeting will be sent later this month to existing members of the GB Task Force and to other stakeholders who have expressed an interest in participating.

Revisions to Draft Guidance

Energy Data to be Made Available

While feedback has indicated that the draft guidance provided on this topic was helpful, some stakeholders also requested clarification on what data distributors are actually required to make available via Green Button and the potential present and future data requirements from those who may be offering apps to electricity and natural gas customers.

The lists of data included in the draft guidance reflected discussions with the GB Task Force. The lists were not, nor were they intended to be, an exhaustive inventory of the information that each distributor must make available in Green Button format. The Green Button Regulation applies to any energy usage and account information identified in the NAESB ESPI standard that a given distributor makes available to

customers² in the normal course of the distributor's operations, and in this context, it is not feasible to provide a definitive list of the energy data that must be provided in Green Button format that is suited to all distributors.

In response to feedback received on this issue, OEB staff has added "other energy-related charges" to the lists included in its guidance. This additional category is intended to capture any energy-related charges that make up the total bill amounts that were not already captured by the other items in the lists such as specific services charges (e.g. late payment fees).

OEB staff has also considered the comments and questions from stakeholders about the provision of data to support demand management programs and possible Independent Electricity System Operator markets. And in light of these comments, OEB staff also wishes to clarify the following:

- To the extent that a distributor's normal practice is to make certain energy data available only to a given class of customers, that data need not be made available in Green Button format to customers in other classes.
- If future developments in the electricity or natural gas sectors result in additional data being made available to customers in the normal course, that data will also need to be made available in Green Button format.

OEB staff expects the industry-led working group to continue engagement in the area of the energy data to be made available in Green Button format.

Process for Customer Authorization / Authorization Form Template

It is clear from the feedback received in this area that ensuring the informed consent of customers who wish to share their data via Green Button is of paramount importance for distributors and stakeholders. Comments received also reflect the importance of achieving this via a streamlined and easy to understand process that does not discourage the use of Green Button.

OEB staff also notes, in response to comments about alternate authorization pathways, that while such pathways may be beneficial from a customer or third-party perspective, the Green Button Regulation requires *distributors* to establish the authorization process for Green Button.

² Access to energy data is to be provided to account holders, defined in section 25.35.8 of the *Electricity Act, 1998* as a person or entity that has an account with an energy provider. For convenience of reference, this letter refers to account holders as "customers".

Based on feedback received on this topic, OEB staff has made revisions to its guidance, and the customer authorization template where applicable, in the following three specific areas:

1. Scope of Use

Consistent with the NAESB ESPI standard, third parties should be allowed to define “scope of use” in the customer authorization form. To be clear, the third party will be required to provide in its request to the distributor the exact wording to be included in the Customer Authorization Form and the distributor is not responsible for the accuracy of what is set out as the scope.

2. Mobile-device Optimization

The authorization form and process should be mobile optimized where it is cost-effective to do so.

3. Privacy Policy

Comments from stakeholders raised questions about the privacy policy referenced in the Regulation and in OEB staff’s guidance. In the view of OEB staff, the Green Button Regulation does not require a distributor to create a separate and distinct privacy policy for the sole purposes of Green Button. Instead, a distributor may use its existing privacy policy provided that it has been appropriately updated to reflect the implementation of Green Button.

Amongst the feedback received was a suggestion that the authorization process allow for large customers with multiple accounts to have one authorization, rather than separate authorizations for each account. Although this is not required by the Green Button Regulation, OEB staff encourages distributors to consider the feasibility of allowing for a single authorization across multiple accounts that belong to the same customer in a cost-effective and secure manner.

Termination by Distributor of Authorization of Third Party

The feedback in relation to process for termination of third-party access by a distributor, terms and conditions of agreements between distributors and third parties, and what may constitute a “significant violation” as set out in the Green Button Regulation suggests that these are areas that require further discussion. Rather than providing additional guidance at this time, OEB staff considers it appropriate for these areas to be explored further by the industry-led working group. In response to the comments, OEB staff would expect the working group to remain mindful that the process for termination

should not discourage the participation of third parties in Green Button through overly restrictive or unduly punitive terms and conditions between distributors and third parties.

In the meantime, issues that may arise regarding termination of authorization may be raised through the OEB's existing complaints resolution and industry relations enquiries processes.

Green Button User Experience, Performance Metrics

In the October 12th letter, it was noted that specific performance metrics related to Green Button (in the nature of service quality requirements) were not being proposed at this time.

Some stakeholders commented that the establishment of metrics at the outset of the two-year implementation period would provide greater certainty to distributors and other stakeholders, while other comments supported the establishment of metrics only in the future. This is an area where further discussion and input from the working group would be of assistance. Based on that input new reporting requirements may be established to focus on data relevant to a distributor's ongoing Green Button operations, including customer take up and system performance.

Any input from the industry-led working group and other interested stakeholders on what should be reported on will be considered in the development of these new Reporting and Record-Keeping Requirements.

While the Green Button Regulation does not set specific requirements for the user experience for customers or third parties using Green Button, OEB staff expects distributors to consider system performance when designing their Green Button implementation to ensure customers' and third parties' access to the data is not unduly hampered by poor availability / system performance.

Green Button: New Reporting Requirements

OEB staff notes the requests for clarification in the comments from distributors in relation to upcoming new reporting requirements. In response, OEB staff notes that there will be two separate and distinct sets of reporting requirements.

The first set will require reporting on the distributor's progress in implementing Green Button. The second set, as discussed in the previous section, would be new Reporting and Record-Keeping Requirements that would monitor data points relevant to user experience including website performance (e.g., website uptimes).

The October 12th letter stated that distributors will be asked to report every three months on their progress towards the implementation of Green Button. There is value in establishing reporting that will track implementation of Green Button across the province. These quarterly requirements will not focus on issues related to user experience / website performance.

The first report will be due February 28, 2022, for the period November 2021-January 2022. Further details, including a reporting template that distributors may use to report their progress on Green Button implementation will be made available in early January 2022.

Deferral Account

The October 12th letter communicated that the OEB had approved the establishment of a generic deferral account for rate-regulated distributors to record the incremental costs directly attributable to the implementation of Green Button, in a manner that accords with the requirements set out in the Green Button Regulation. Some stakeholders, through their written comments, sought clarity from the OEB with respect to whether ongoing operating costs associated with Green Button would be eligible for recovery through this mechanism.

The OEB has confirmed that this account is to record the incremental costs directly attributable to the implementation of the Green Button initiative but is not intended to record ongoing costs related to Green Button beyond the initial implementation of the program.

As with any other deferral account, disposition of any amounts recorded will be subject to OEB review and established materiality thresholds.

Closing

Cost awards related to the provision of comments on OEB staff's draft guidance will be addressed by separate correspondence.

Any questions relating to this consultation should be directed to Industry.Relations@oeb.ca

Yours truly,

Original Signed By

Brian Hewson
Vice President, Consumer Protection & Industry Performance

Appendix A – **Draft** OEB Staff Guidance Regarding Implementation of Green Button

Energy Data to be Made Available

Ontario Regulation 633/21 under the *Electricity Act, 1998* (Green Button Regulation) requires a distributor³ to make available energy usage and account information identified in the NAESB ESPI standard that the distributor currently collects and makes available to customers in the normal course of the distributor’s operations. Energy usage information must be provided for intervals of one hour or less and at least 24 months of usage data must be made available (unless the customer has not held an account with the distributor for that long).

OEB staff’s view is that the “normal course” includes, at a minimum, all usage and account information that is included on a customer’s bill or accessible through a customer’s online account. The following tables include data elements for electricity (Table 1) and natural gas (Table 2) that OEB staff, with input from the GB Task Force, understood would generally be available in the “normal course” and therefore required to be provided under Green Button.

Table 1: Energy Usage and Account Information: Electricity

Customer Energy Usage Information	Customer Account Information
Universal Unique Identifier (GB identifier to match data streams)	Universal Unique Identifier (GB Identifier to match data streams)
Previous read & current read - dates and meter readings (plus clear identifier of unit of measure included in GB standard)	Meter number
Current reading type (e.g., actual/estimate) and quality of reading and any additional information on reading type	Account number/premise number
Billing period – start/end dates and times (bill type – adjusted/final)	Account name

³ 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.

Overall consumption for period (plus historical usage summary)	Service address
Overall consumption, last billing period	Mailing address
Data by hourly interval (or less) with associated cost per kWh (TOU or Tiered) / kW	Customer contact information
Total bill amount for period / add equal billing payment plan	Customer rate class
Global Adjustment (Class A, Class B, retailer customer)	Information necessary to participate in DR / other programs (PEF factor for Class A customers)
Delivery charges (broken out by fixed and volumetric where possible)	TOU / Tier or Class A/B or GS<50/GS>50
Regulatory charges (broken out by item where possible)	Gross-load billing information
Rate riders if delivery charges broken out	For accounts with one account number but multiple premises, access data for all accounts with one authentication?
Ontario Electricity Rebate	Meter multiplier/power factor (secondary or primary) /loss adjustment factor (plus whether added on the meter or not)
HST	Net metering/FIT/MicroFIT
Distributor supplier information (name, market participant ID, other, retailer – may be referenced as “agreement association” in GB standard and include retailer billing information)	
Previous consumption/billing history up to 24 months for new requests	
Other energy-related charges (e.g., specific service charges such as late payment fees)	

Table 2: Energy Usage and Account Information: Natural Gas

Customer Energy Usage Information	Customer Account Information
Universal Unique Identifier (GB Identifier to match data streams)	Universal Unique Identifier (GB Identifier to match data streams)
Previous read & current read	Meter number
Current reading type (e.g., actual/estimate)	Account number
Billing period – start/end dates	Customer name
Total gas usage for period (plus historical usage summary)	Premise address
Gas supply rate Gas cost adjustment Total gas supply rate (net)	Mailing address
Gas supply charge	
Delivery charges (broken out by fixed and volumetric where possible, e.g., customer charge, delivery charge, transportation charge, storage charge)	Customer contact information
Regulatory charges (broken out by item where possible)	Customer rate class
Rate riders (e.g. cost adjustment)	PEF Value
Total Charges for Natural Gas	
Total Amount Due – includes all charges	
For Equal Monthly Payment Plan (EMPP) customers: EMPP Period (Date) Total Natural Gas Charges to Date EMPP Previous Installments Current Month's installment EMPP Balance	
HST	
For direct purchase customers:	

Vendor Supply Company (direct purchase company name) Vendor Admin Fee Gas Supply Charge	
Other energy-related charge (e.g., specific service charges such as late payment fees)	

The above tables are not intended to be exhaustive lists of the data types required to be made available by any given distributor under the Green Button Regulation, which will depend on the energy data that is currently made available to customers of that distributor in the “normal course.” To the extent that a distributor’s normal practice is to make certain energy data available only to a given class of customers, that data need not be made available in Green Button format to customers in other classes.

Process for Customer Authorization and Revocation of Third-Party Access

The Green Button Regulation requires distributors to set up a process to allow customers to authorize a third party to have access to their energy data and revoke such authorizations.

Customers must be informed about the choices they are making about their data in a clear way. The importance of informed consent is even more pronounced in a context where the third parties that may be granted access to energy data are not regulated by the OEB.

OEB staff is providing the following guidance in relation to customer authorization and revocation:

- Authorization should only occur after a customer has gone through an authentication⁴ process to verify that they are the account holder. Distributors should also consider alternate authentication approaches for customers without an online account with the distributor.
- Distributors should make the authorization form as simple as possible, and the form should only require such information as is reasonably necessary (i) to process the authorization; and (ii) for the customer to understand the choice they are making to download or share their data.

⁴ Authentication means the process whereby an account holder’s identity is verified (e.g., for online account where an account holder enters its username and password to allow them to access their account information).

- ~~• The Green Button Regulation requires distributors to establish a policy regarding the privacy of energy data. This policy must be provided in an electronic format to a customer when they authorize a third party to have access to their energy data, and thereafter whenever the policy is updated. The authorization form should include a link to the distributor's privacy policy. Distributors are encouraged to review their existing privacy policies to ensure they are easy to read and reflect implementation of Green Button.~~
- The authorization form should include a clear statement to the effect that the customer is about to authorize the sharing of its energy usage and/or account information with a third party and that questions relating to the agreement between the customer and the third party, including how the third party will deal with their energy data, should be directed to the third party.
- The authorization form should advise the customer that the third party will continue to have access to their data until such time as the customer revokes the authorization.
- The authorization form should advise the customer that they can revoke the authorization at any time – with a link to information on how to revoke authorization.
- The authorization form and authorization process should be optimized for use on mobile devices, where it is cost-effective to do so.
- The authorization form should inform the customer of the scope-of-use, to be provided by the third party, in relation to the data to be shared with the third party. In order for the scope of use to be included a third party must provide the exact statement to be included in the Customer Authorization Form to the distributor. The distributor should copy the statement exactly as provided by the third party, and make it clear that the distributor it is not responsible for either the accuracy of the content nor the third party's actions in relation to the customer's energy data.

The Green Button Regulation requires distributors to establish a policy regarding the privacy of energy data but does not require a distributor to create a separate and distinct privacy policy for the sole purposes of Green Button. Instead, a distributor may use its existing privacy policy provided that it has been appropriately updated to reflect the implementation of Green Button. Distributors should review their existing privacy policies to ensure they are easy to read and reflect implementation of Green Button. The policy must be provided in an electronic format to a customer when they authorize

a third party to have access to their energy data, and thereafter whenever the policy is updated. The authorization form should include a link to the distributor's privacy policy.

The privacy of customer data remains a priority for the OEB and, as such, is an area that OEB staff intends to monitor closely through the two-year implementation period. To facilitate the implementation of Green Button in a consistent manner across Ontario, OEB staff has prepared a template authorization form that distributors may adapt and use if they wish. A copy of the template authorization form is included as an **Attachment to this Guidance Appendix B**.

Termination by Distributor of Authorization of Third Party

Under the Green Button Regulation, distributors may terminate the authorization for a given third party if there has been a significant violation of the terms and conditions under which access to the energy data was provided.

OEB staff notes it would generally not be a distributor's role to monitor the behaviour of a third party once the customer agrees to share their data with the third party. Rather, it is the third party's responsibility to manage the data under its own privacy policies and legal or regulatory requirements.

OEB staff also notes the need to ensure that the process for termination does not discourage the participation of third parties in Green Button through overly restrictive or unduly punitive terms and conditions between distributors and third parties.

Customer protection is a core priority for the OEB and, while the OEB may not have regulatory oversight of third parties that are authorized to receive the data, OEB staff notes that such third parties would be subject to their own obligations under the applicable privacy legislation.

OEB staff is not proposing to provide any specific guidance to distributors at this time but will continue to monitor implementation for any issues. **Any questions relating to termination may be directed to the OEB's Industry Relations email or complaints email.**

Appendix B Attachment – Draft Template Authorization Form

Utility to insert logo

Month, ~~November~~-xx, Year**Customer Authorization**

We have received a request from [Third Party Name] for access to your energy usage and account information (referred to here as your “energy data”). [Third Party Name] has told us that you have agreed to give them access to your energy data.

Energy usage data includes your historical and ongoing meter readings and dates, billing period dates, hourly interval data and energy charges

Account information includes your name, service address, account number, meter number, customer rate class and your contact information

[Third Part Name] has provided the following statement regarding how they intend to use your energy usage data and account information:

[insert third party statement]

The above information was provided by [Third Party Name] regarding how they intend to use your energy data. [Distributor Name] is not responsible for the accuracy of this information or for the actions of [Third Party Name] (see “Please Read Before Giving Authorization” below)

We need your written authorization before we can start providing your energy data to [Third Party]. Once we have your authorization, your energy data will continue to be shared with [Third Party] on an ongoing basis without further notice to you unless you tell us that you want to cancel your authorization. You can cancel your authorization at any time by viewing your existing authorizations below and selecting “Cancel.”

PLEASE READ BEFORE GIVING AUTHORIZATION

Before authorizing us to share your energy data with [Third Party], please note:

- We do not control what [Third Party] will do with your energy data once we share it with them.
- It is your responsibility to make sure that you understand and accept the terms and conditions that you have agreed to with [Third Party], including:
 - How they will protect your privacy and confidentiality
 - What they can do with your energy data

- Whether they can share your energy data with anyone else
- How long they will keep your energy data
- How they will destroy your energy data when they no longer need it or you ask them to

If you have any questions about what [Third Party] will do with your energy data, be sure to ask them before authorizing us to share your energy data with them.

To view [Distributor Name]'s Privacy Policy [click here](#). **This Privacy Policy does not apply to [Third Party], and it does not affect how [Third Party] will deal with your energy data.**

I authorize [Distributor Name] to share the following data with [Third Party Name]:

Energy Usage Data

Account Information Data

Authorize

Cancel

[Click here](#) to view your existing authorizations