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BY E-MAIL AND WEB POSTING

October 12, 2021

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

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

Ontario Energy Board (OEB) staff is inviting comment on draft guidance to assist electricity and natural gas distributors (collectively “distributors”) in implementing Green Button in Ontario in a manner consistent with the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*. This letter also addresses the establishment of a deferral account for the purpose of rate-regulated distributors recording costs associated with implementing the Green Button Regulation.

The OEB has also today issued for comment a [Notice of Proposed Amendments to the Retail Settlement Code](#) in relation to the implementation of Green Button.

Green Button Regulation

Green Button is the data standard selected by the Ontario government for use in providing customers¹ access to their energy usage and account information, as well as the ability to authorize the sharing of that data with third parties.

The Green Button Regulation comes into effect on November 1, 2021, and requires distributors² to implement Green Button by November 1, 2023, for the purposes of complying with section 25.35.8 of the *Electricity Act, 1998*.

¹ 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”.

² 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.

Under the Green Button Regulation, distributors will be required to make energy usage and account holder information available in Green Button format to their customers and to third parties authorized by their customers to have access to that information. The information to be made available is information identified in the NAESB ESPI standard³ that is collected by the distributor and made available to its customers in the normal course of its operations.

Consultation To Date

Following initial industry briefings by the Ministry of Energy (Ministry) in the spring of 2021, the Ministry asked the OEB to work with distributors and other stakeholders to support the implementation of Green Button. On July 5, 2021, the OEB issued a letter that initiated a consultation to support [Green Button Implementation](#).

As part of the consultation, the OEB invited a group of distributors and stakeholders to participate in a Green Button implementation task force (GB Task Force). Seven GB Task Force meetings took place between July 15, 2021 and September 2, 2021. While distributors appeared to be at the early stages of planning their implementation of Green Button, they and other stakeholders provided feedback on areas where guidance or direction from the OEB may be required or desirable in order for distributors to begin implementation of Green Button.

Discussions focused on identification of types of information to be made available through Green Button, the customer authorization process (including revocation), privacy of customer data and the user experience as well as experiences in other jurisdictions that have implemented Green Button.

Approach to Green Button Implementation

The key elements of the Green Button framework are established through the Green Button Regulation and the NAESB ESPI standard, and there is merit in allowing distributors the flexibility to implement Green Button in the manner that is most cost-effective for them, having due regard to guidance being provided by OEB staff. New regulatory requirements may be imposed in the future should issues arise that warrant a more prescriptive approach.

³ The standard titled "REQ.21 Energy Services Provider Interface Model Business Practices", version 3.3, published on January 30, 2020, by the North American Energy Standards Board which is available at: https://www.naesb.org/ESPI_Standards.asp

OEB staff has developed draft guidance on how Green Button should be implemented in Ontario. In developing this guidance, which is set out in Appendix A, OEB staff reviewed experiences in other jurisdictions that have implemented Green Button. OEB staff also considered feedback from stakeholders as to what is required by distributors to begin implementing Green Button in a consistent manner across Ontario. While the draft guidance is intended to be responsive to that feedback, distributors are reminded that they are responsible for ensuring that they have a good understanding of the Green Button standard and for implementing Green Button in accordance with the Green Button Regulation.

The Green Button Regulation does not set requirements for the user experience for customers or third parties using Green Button. However, OEB staff is aware of the experiences of other jurisdictions that adopted Green Button where unavailability of data on a consistent basis and poor experience led to the eventual establishment of performance metrics.

OEB staff has also heard that strong communication between distributors and third parties in relation to system/data availability and performance (e.g., website uptime) is important to the overall Green Button experience.

Although specific performance metrics related to Green Button (in the nature of service quality requirements) are not being proposed at this time, reporting and record-keeping requirements related to Green Button may be established to monitor implementation by distributors. These reporting requirements may also cover areas related to user experience, such as website performance and communication between distributors and third parties, and may inform the establishment of new rules or metrics in the future.

Establishment of an Industry-led Implementation Working Group

Based on what OEB staff heard during the seven GB Task Force meetings, many distributors are still in the early stages of planning their implementation of Green Button. Questions or issues may arise as implementation progresses. The members of the GB Task Force suggested establishing 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. Issues such as user experience and appropriate metrics for performance could usefully be discussed by such a group. Such a forum could also identify further areas where (i) guidance from OEB staff would be desirable or (ii) prescriptive requirements from the OEB may be appropriate.

OEB staff intends to support the establishment of an industry-led Green Button implementation working group and will participate as an observer to monitor issues that are discussed. Below, OEB staff has invited expressions of interest in participating in the industry-led working group. OEB staff intends to proceed with setting up an initial meeting for that group in November, inviting existing members of the GB Task Force as well as new members.

Reporting on Implementation Progress

To enable the OEB to monitor the progress of implementation and to identify as early as possible any barriers to implementation, distributors will be asked to report every three months on their progress towards the implementation of Green Button. The first report will be due January 31, 2022, for the period November 2021-January 2022. Further details will be available in early January 2022.

Deferral Account

The July 5, 2021 letter acknowledged the concerns raised during Ministry meetings with distributors with respect to recovery of costs incurred by distributors to implement Green Button. The GB Task Force also heard questions from distributors in relation to cost recovery.

OEB staff is taking this opportunity to confirm the OEB has approved the establishment of a generic deferral account for rate regulated distributors to record the incremental costs directly attributable to the implementation of the Green Button initiative, in a manner that accords with the requirements set out in the Green Button Regulation. Disposition of any amounts recorded in the account will be subject to established materiality thresholds.

A generic accounting order will be issued in the near term. As with any other deferral account, disposition of any amounts recorded would be subject to OEB review. While the OEB does not have a firm projection from any distributor at this time regarding the magnitude and nature of costs expected for implementation of Green Button, it notes that the amounts may be material, and as such, is prepared to establish the account on a generic basis.

Invitation to Comment

OEB staff invites comments on the draft OEB staff guidance set out in Appendix A. To accommodate finalization of the guidance on a timely basis, written comments should be filed no later than **October 26, 2021**.

OEB staff also invites expressions of interest in participating on an industry-led Green Button implementation working group.

All filings made further to this letter should be made in accordance with the filing instructions set out in Appendix A of the July 5, 2021 [letter](#) commencing this consultation.

Cost Awards

In a Decision on Cost Eligibility issued on August 17, 2021, the OEB determined that the following stakeholders are eligible for cost awards in relation to the OEB's consultation on implementing Green Button:

- Building Owners and Managers Association Toronto
- Pollution Probe
- School Energy Coalition

These stakeholders are eligible to claim costs in connection with the preparation of written comments on the draft guidance, to a maximum of five hours. Costs will be recovered from all rate-regulated electricity and natural gas distributors based on the number of customers they serve.

All materials related to the OEB's consultation on Green Button implementation, including all written filings received in response to this letter, are made available on the OEB's [webpage](#) for this initiative.

Any questions relating to this initiative should be directed to Eamon.ORiordan@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 distributor⁴ 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 the data elements for electricity (Table 1) and natural gas (Table 2) that OEB staff, with input from the GB Task Force, understands 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

⁴ 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	

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	

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.”

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 authentication 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.
- 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 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 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.

Appendix B – Draft Template Authorization Form

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October xx, 2021

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

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.”

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