



October 26, 2021

Ontario Energy Board (OEB)
2300 Yonge Street, 27th Floor
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Toronto, ON M4P 1E4
Canada
Submitted via email to registrar@oeb.ca

RE: OEB File No. EB-2021-0183 – Comments regarding implementation of Green Button Connect My Data

Dear Ontario Energy Board (OEB):

Mission:data is a national coalition of 30 technology companies in North America delivering data-enabled services that focus on providing direct energy and carbon savings to all utility consumers (residential, commercial, industrial and institutional customers). These services range from detailed energy usage analysis and energy feedback technologies to demand response and device control. Our members are the leading innovators in the industry, representing over \$1 billion per year in sales of advanced energy management. For more information, please visit www.missiondata.io.

Mission:data supports many aspects of the draft Green Button guidelines published on October 12, 2021 in OEB File No. EB-2021-0183. However, we believe that improvements could be made that would reduce uncertainty for market actors, improve clarity, and better comply with Green Button standards. Thank you for your consideration of the recommendations provided below.

1. Additional Guidance on Data Types to Support IESO Integration is Warranted

Mission:data supports the detailed list of data types detailed in Table 1 of the Staff Guidance. This level of detail will be extremely helpful as utilities work toward implementation by November, 2023. However, while Mission:data understands the regulation's phrase concerning data types collected by utilities in the "normal course," we believe data types necessary for customers and aggregators to participate fully in IESO markets should be expressly stated. As IESO requirements may change over time, it is important for the guidance to require local distribution companies (LDCs) to monitor such changes and *automatically* modify the data types provided to ensure continued participation in IESO requirements. For example, some other wholesale markets in North America have begun requiring various "unusual" data types over time, including, for example, service voltage, transmission control area numbers, pricing zone numbers, etc. While it is possible that such information could be considered in the "normal course," the OEB could eliminate uncertainty and unnecessary litigation in the future by adding a sentence to the guidance to this effect: "Distributors shall also provide all information to customer-authorized third parties needed to assess eligibility for, or to participate in, programs or markets at IESO, including as those requirements may change over time."

2. Some Limitations on Terms and Termination Should be Defined

While we understand the OEB's posture that it intends to monitor LDC's terminations of third parties and does not put forth a policy governing term or termination at this time, we believe the OEB can add several prohibitions to the guidelines that would serve to reduce uncertainty at the outset of Green Button availability in Ontario. In our experience in other jurisdictions in North America – and validated most recently by our experience in New York just three months ago – utilities that have imposed onerous, unfair or coercive terms and conditions upon third parties that will cause the Green Button program to be significantly delayed until a resolution is reached. One New York utility recently decided to impose its own, idiosyncratic cybersecurity policy upon third party data recipients without the permission from its regulator. The result was an unnecessary three month delay in Green Button Connect deployment, and many third parties delayed their participation in the New York market by even longer periods due to the uncertainty of the utility's unilateral imposition of an extra-legal policy. That is just one example; other examples include utilities imposing expensive and unnecessary insurance requirements; unbounded indemnification requirements; and unfair requirements that third parties divulge sensitive and proprietary information about their business to the utility prior to the utility providing access to data. To avoid this from happening at the outset, Mission:data strongly recommends that the OEB revise its guidance to prophylactically prevent such market-halting events to occur. Specifically, Mission:data recommends the following be added to the guidelines: "Distributors shall not impose terms and conditions that are unnecessary, unfair or coercive; that require third parties to purchase insurance or other specific products or services; that require third parties to divulge proprietary information about their business; or that require third parties to adhere to cybersecurity requirements unless expressly required by applicable law."

3. The Authorization Process Should be Further Streamlined and Support the OAuth2.0 "Scope String"

Two improvements are recommended for the authorization process. First, the guidance should expressly add the phrase "mobile device optimized" for web-based authorization forms. The key lessons learned from California's experience with enrolling over 150,000 households in a third party demand response program is that the majority of consumers want to be able to use their mobile phone for enrollment; globally, mobile web traffic exceeds that of desktop and laptop computers; and poorly designed interfaces for small screens presented significant barriers to customers. Expressly saying that the authorization should be "mobile device optimized" will go a long way to avert potential pitfalls in this area.

Second, Mission:data believes the text should be further simplified. Since cognitive attention is a limited resource, reduced text can actually lead to improvements in informing consumers. We also reiterate that scrolling through text on a mobile device can sometimes be difficult, and that an optimal presentation of the consent form occurs on a small screen with minimal required scrolling. Therefore, we provide the following recommendations for streamlining, noting that all of the original meaning has been retained.

The recommendation below also supports the "scope string" part of the Green Button standard. This allows the third party to define the "scope of use" for the data being requested. This is an important

part of OAuth2.0 – the standard technically known as IETF RFC6749, which is incorporated into the Green Button standard. The OEB’s draft guidelines are not technically correct because they do not permit the third party to define its scope of use in a sentence or phrase, a critical part of informed consent and Privacy By Design principles. A scope of use might be “to provide you with energy management services.” It is the customer’s responsibility to understand and agree to the scope. A customer might object to a scope that reads, for example, “to market new products and services to you based upon your energy data.” Without the scope being present, a customer cannot make an informed decision.¹

Our recommended authorization screen is below.

[Third party] is requesting access to your 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

Scope of use (written by [third party]): *[Text provided by third party]*

It is your responsibility to understand [Third party]’s terms and conditions and data security practices [hyperlink]. Any questions about [Third party]’s service should be directed toward [Distributor name]. [Distributor name] is not responsible for [Third party]’s policies.

Authorize or Decline

View [Distributor Name]’s privacy policy [hyperlink]

4. The Guidance Should Explicitly Support Alternative Authorization Pathways

While we appreciate the authorization form’s level of specificity in the draft guidance, Mission:data believes the guidance should also acknowledge that other authorization pathways can and should be permitted. Customers that sign up for demand-side management programs – whether through their LDC or via aggregators – could grant a data-sharing authorization while simultaneously enrolling in a

¹ In addition, the dynamic presentation of the scope on the utility-hosted authorization page allows third parties to serve different market segments. For example, a residential product offering’s scope might read “to identify energy saving opportunities at home” whereas the same company might offer a commercial building service whose scope reads “to optimize demand response in your facility.” The draft guidance provided by OEB would not allow for segmentation as the market evolves over time.

program. For example, such combined enrollment and data-sharing authorization could occur when a customer installs a smart thermostat, and could occur on the thermostat provider's website or on the screen of the thermostat itself. The simplicity of a combined approach means much greater customer participation in cost-effective programs. We therefore support inclusion of "alternative authorization pathways" in the guidance that should be further developed and specified by a working group, described further below. Mission:data believes that the guidance could, as written, inadvertently discourage innovative program designs by failing to acknowledge the existence of alternative authorization pathways, which are the predominant pathways customers use today to enroll in demand-side management programs.

5. OEB Should Facilitate Ongoing Technical Working Groups with Participation from LDCs and Third Parties

Finally, Mission:data strongly recommends that OEB facilitate ongoing technical working groups. Specifically, Mission:data recommends that OEB solicit participation from as many third parties as possible. Given that third parties are the ultimate "data consumers," it is critical that they be involved in questions of interoperability.

Thank you for the opportunity to provide comments. We will gladly participate in further stakeholder meetings to discuss these important topics.

Sincerely,

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