

ASSURANCE OF VOLUNTARY COMPLIANCE

**Pursuant to s. 112.7 of the
*Ontario Energy Board Act, 1998***

Compass Minerals Canada Corp.

Licence No. EW-2021-0098

OEB File No. EB-2022-0153

May 13, 2022

I. INTRODUCTION AND SUMMARY

Ontario Energy Board (OEB) staff conducted an inspection of Compass Minerals Canada Corp. (Compass Minerals) pursuant to the OEB's finding, in proceeding EB-2021-0098, that Compass Minerals continued to operate as an electricity wholesaler in Ontario after its licence had expired in January 2018.¹ Following the inspection, and in resolution of the contravention, Compass Minerals provided this Assurance of Voluntary Compliance to the OEB under section 112.7 of the *Ontario Energy Board Act, 1998* (OEB Act).

II. STATEMENT OF FACTS

On February 26, 2021, Compass Minerals filed an application with the OEB for an electricity wholesaler licence, pursuant to section 60 of the OEB Act. Together with the application, Compass Minerals confirmed that it had been operating as an electricity wholesaler without a licence since its previous wholesaler licence expired on January 23, 2018.

The OEB reviewed the application and, on April 8, 2021, issued a Decision and Order granting Compass Minerals a new electricity wholesaler licence (EW-2021-0098)². In the Decision and Order, the OEB noted that Compass Minerals had been previously licensed by the OEB, however neglected to renew its previous electricity wholesaler licence and had been operating without a licence since January 23, 2018 contrary to section 57 of the OEB Act. The OEB also stated that Compass Minerals may be subject to OEB compliance action with respect to the contravention and that the licence was being granted without prejudice with regard to any future compliance actions.

¹ Decision and Order, EB-2021-0098, issued April 8, 2021

² *Ibid.*

Operating in the IESO-administered markets without a licence is a contravention of sections 57 (e) and (f) of the OEB Act, which provide as follows:

Requirement to hold licence

57 Neither the IESO nor the Smart Metering Entity shall exercise their powers or perform their duties under the Electricity Act, 1998 unless licensed to do so under this Part and no other person shall, unless licensed to do so under this Part, ...

(e) purchase electricity or ancillary services in the IESO-administered markets or directly from a generator

(f) sell electricity or ancillary services through the IESO-administered markets or directly to another person, other than a consumer;

Through the filing of its February 26, 2021 application, and subsequent discussions with the OEB staff, Compass Minerals explained that the failure to secure a licence was an unintentional oversight due to a change in personnel resulting from a period of organizational changes. Compass Minerals confirmed that it took steps to obtain the licence immediately after discovering the oversight. Compass Minerals also confirmed that it has introduced new system controls to ensure the continuity of its licence.

III. ASSURANCE

Compass Minerals hereby assures the OEB that it has taken all appropriate measures to comply with the requirements under sections 57(e) and (f) of the OEB Act that it has a licence for the purpose of purchasing electricity or ancillary services in the IESO-administered markets or directly from a generator, or selling

electricity or ancillary services through the IESO-administered markets or directly to another person, other than a consumer.

Compass Minerals also hereby assures the OEB that it will comply with the terms of its electricity wholesaler licence EW-2021-0098, including the obligation under section 8.1 therein to designate a person to act as a primary contact with the OEB on matters related to the licence, and to promptly notify the OEB should the contact details change.

IV. ADMINISTRATIVE MONETARY PENALTY

Compass Minerals agrees to pay an administrative monetary penalty to the OEB in the amount of \$15,000. Payment will be made electronically with notice sent to the Registrar, within two weeks of Compass Minerals having received notice of the acceptance of this assurance by the OEB.

V. FAILURE TO COMPLY

This Assurance of Voluntary Compliance has the same force and effect as an order of the OEB pursuant to section 112.7(2) of the OEB Act and any failure to comply with its terms shall be deemed to be a breach of an order of the OEB.


VI. EXECUTION

I have the authority to bind Compass Minerals Canada Corp. to the terms set out in this Assurance of Voluntary Compliance.

Name: Craig Manz

Title: VPO, Goderich Mine

Company: Compass Minerals Canada Corp

Signature: 

Dated this 13th day of May, 2022.