

# **ASSURANCE OF VOLUNTARY COMPLIANCE**

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

**Goldcorp Canada Ltd.**

**Licence No. EW-2019-0222**

**OEB File No. EB-2021-0094**

**March 24, 2021**

## I. BACKGROUND

Ontario Energy Board (OEB) staff conducted an inspection of Goldcorp Canada Ltd. (Goldcorp) pursuant to the OEB's finding, in proceeding EB-2019-0222, that Goldcorp had been operating as an electricity wholesaler in Ontario without a licence since November 2016.<sup>1</sup> Following the inspection, and in resolution of the contravention, Goldcorp 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 September 18, 2019, Goldcorp filed an application with the OEB for an electricity wholesaler licence, pursuant to section 60 of the OEB Act. Together with the application, Goldcorp confirmed that it had been operating as an electricity wholesaler without a license since its previous wholesaler licence expired on November 2, 2016.

The OEB reviewed the application and, on November 21, 2019, issued a Decision and Order granting Goldcorp an electricity wholesaler licence (EW-2019-0222).<sup>2</sup> In the Decision and Order, the OEB noted that Goldcorp had been operating without a licence for a period of three years, and that in so doing it had contravened section 57 of the OEB Act. The OEB also stated that Goldcorp may be subject to a potential OEB compliance proceeding with respect to the contravention and that the licence was being granted without prejudice with regard to any future compliance actions.

Operating in the IESO-administered markets without a licence is a contravention of section 57 of the OEB Act. Section 57(e) of the OEB Act specifically states as follows:

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<sup>1</sup> Decision and Order, EB-2019-0222, issued November 21, 2019

<sup>2</sup> *Ibid.*

**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

Through its September 18, 2019 application filing, and subsequent discussions with OEB staff, Goldcorp explained that the failure to secure a licence was an unintentional oversight due to a change in personnel. Goldcorp confirmed that, upon discovering the oversight, it took steps to obtain the licence and has since updated its internal procedures in order to ensure that this type of contravention does not occur in the future. Goldcorp explained that it has put in place new knowledge management system controls to ensure the continuity of its licence requirements. Goldcorp further explained that these changes will make sure that multiple individuals will be notified when licence renewal is required thus eliminating the risk of missing a renewal if an individual responsible for licencing moves on from their role.

**II. ASSURANCE**

Goldcorp hereby assures the OEB that it has taken all appropriate measures to comply with the requirement under section 57(e) 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.

Goldcorp also hereby assures the OEB that it will comply with the terms of its electricity wholesaler licence EW-2019-0222, 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**

Goldcorp agrees to pay an administrative monetary penalty to the OEB in the amount of \$12,000. Payment will be made electronically, together with notice sent to the Registrar and Board Secretary, within two weeks of Goldcorp 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.

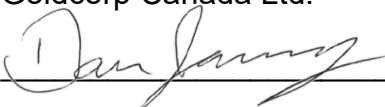
#### **VII. EXECUTION**

I have the authority to bind Goldcorp Canada Ltd. to the terms set out in this Assurance of Voluntary Compliance.

Name: Dan Janney

Title: President

Company: Goldcorp Canada Ltd.

Signature:  \_\_\_\_\_

Dated this 24 day of March, 2021.