
Complaint Resolution Plan

Eight Point Wind Energy Center

Towns of Greenwood and West Union,
Steuben County, New York

Case No.: 16-F-0062

Prepared For:



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ACRONYMS & ABBREVIATIONS

| | |
|---------|---|
| DPS | New York State Department of Public Service |
| EPW | Eight Point Wind, LLC |
| NextEra | NextEra Energy Resources, LLC |
| O&M | Operations & Maintenance |
| Plan | Complaint Resolution Plan |
| Project | Eight Point Wind Energy Center Project |
| PSC | Public Service Commission |

1.0 Introduction

Eight Point Wind, LLC (EPW), a subsidiary of NextEra Energy Resources, LLC (NextEra), has prepared this Complaint Resolution Plan (Plan) to establish a consistent method and procedure by which EPW will address public complaints during construction and operation of the Eight Point Wind Energy Center Project (Project). All activities will adhere to the requirements of appropriate governing authorities, and will be in accordance with all applicable federal, state and local rules, regulations and agreements.

Once finalized, this Plan will be submitted to the Towns of Greenwood and West Union (in which the Project resides). It is EPW's intent that this Complaint Resolution Plan be readily available to the public. As such, the Final Plan will be filed at the required Facility document repositories as identified in the Certificate Conditions.

2.0 Procedure for Filing Complaints

Complaints can be made by following any of the following procedures.

1. Call EPW at its headquarters or call the Construction Manager during construction or the Site Manager once the Project is operational. These telephone numbers will route the caller to the appropriate person to respond to the complaint, including in the event of an emergency,
2. Meet with local EPW employees in person at the temporary construction office, or at the Operations & Maintenance (O&M) building once the Project is operational,
3. Submit a complaint in writing by mailing a detailed complaint or dropping off a detailed complaint at the temporary construction office or at the O&M building once the Project is operational,
4. Submit a complaint in writing by emailing a detailed complaint to the Construction Manager during construction or the Site Manager once the Project is operational, or
5. Submit a complaint in writing by preparing and submitting a detailed complaint using a link on the Project website (<https://www.eightpointwind.com/>)

Contact information for submitting complaints is listed in Table 1.

Table 1. Contact Information for Complain Submittals

| Facility/ Contact | Address/Website | Phone Number | Email |
|---|---|----------------------------------|--|
| EPW Website | https://www.eightpointwind.com/ | (607) 301-3994 | info@eightpointwind.com |
| Site Construction Manager | Jason Hunter | (254) 722-8928 (785) 927-0825 | Jason.Hunter@nexteraenergy.com |
| Temporary Construction Office | TBD | TBD | TBD |
| Site Operations Manager | TBD | TBD | TBD |
| Operations and Maintenance (O&M) Building | TBD | TBD | TBD |

For EPW to properly and sufficiently address a complaint, the complaint should be as detailed as possible and include the information below:

- Name of complainant
- Date of complaint
- Phone number
- Address

- Location of issue
- Detailed description of complaint (if possible, include date and time the issue occurred, exact location of issue, duration, and any other details that can help pinpoint the issue)

Included in this Plan is a Complaint Resolution Form (Appendix A) that can be used to submit a complaint by mail or drop off at the temporary construction office or at the O&M building once the Project is operational. These forms will also be available at EPW's temporary construction office and at the O&M building.

For specific procedures regarding noise complaints, see the Noise Complaint Resolution Protocol in Appendix B.

EPW encourages complainants to submit complaints directly to EPW to address such complaints in a timely manner. Complaints submitted to local governmental agencies, emergency service providers, NY state agencies, or other third parties may not be communicated to EPW and therefore may not get addressed.

In circumstances where a third party receives a complaint about the Project, EPW requests that the third party refer the complainant to the Complaint Resolution Plan on EPW's website and, if possible, forward the complaint to EPW within seven (7) business days. EPW will communicate this request to local governmental agencies, emergency service providers, NY state agencies, and other third parties that may receive complaints about the Project.

3.0 Resolution of Complaints

EPW will work in good faith to address and/or resolve reasonable complaints as soon as is practicable. However, some complaints will take time to evaluate and determine proper resolution and some complaints cannot reasonably be resolved. Safety and good community relations are among the highest priorities of EPW; as such, speedy resolution of legitimate complaints is imperative.

Upon receiving a complaint, EPW will immediately acknowledge receipt of written complaints received by in person, by mail, by email, or via the Project website. EPW will enter the complaint into a complaint log, documenting the details, and will determine a plan of action to resolve the complaint, if possible, to resolve. If necessary, EPW will contact the complainant as quickly as possible to gather additional information and/or discuss a resolution plan. For complaints about construction-related issues, EPW will contact the complainant within 24 hours, and for complaints about operation-related issues within 48 hours. EPW will work in good faith to address and/or resolve complaints as soon as is reasonably practicable and commits to resolving complaints within sixty (60) days, unless circumstances dictate that more time is necessary for evaluation or resolution and EPW is working toward a resolution. In instances where resolution will take longer than 60 days, EPW will contact the complainant to explain why resolution will take or is taking longer and will provide a timeframe for resolution that is as soon as is practicable.

EPW will report to the Towns and DPS Staff any complaints not resolved within 60 days and understands that any complaints not resolved within 60 days may be brought by the Complainant to the Public Service Commission (PSC) and will be subject to PSC complaint resolution procedures. EPW will follow the procedures established in Section 4.0 - Dispute Resolution and Unresolved Complaints for any complaints that have not been resolved within 60 days.

Additionally, EPW will notify appropriate Town officials of complaints as they are received. Once resolved, EPW will inform the appropriate Town officials of the manner of the response and actions taken.

4.0 Dispute Resolution and Unresolved Complaints

EPW will work in good faith to address and/or resolve complaints as soon as is reasonably practicable and commits to resolving complaints within sixty (60) days, unless circumstances dictate that more time is necessary for evaluation or resolution and the Applicant is working toward a resolution. In instances where resolution will take longer than 60 days, the Applicant will contact the complainant to explain why resolution will take or is taking longer and will provide a timeframe for resolution that is as soon as is practicable.

In some instances, EPW and a complainant (the parties) may not agree on a resolution to a complaint. In such instances, EPW will consult New York State Department of Public Service (DPS) and then, if necessary, refer the complaint to a neutral third party (for example, a dispute resolution professional or a retired judge). The recommendation of the neutral third party will be provided to the parties and to the DPS and the recommendation will be implemented, unless arbitrary and capricious.

In other instances, EPW may determine that a complaint does not have a reasonable resolution. For such complaints (for example, a complaint regarding the aesthetic value of wind turbines or a complaint about the value of wind energy), EPW will add the complaint to the complaint log, notify the complainant that no resolution is feasible, and recommend the complainant contact the DPS if he or she disagrees. If the DPS suggests that further action is necessary on the part of EPW, EPW will refer the complaint to a neutral third party and the procedure outlined above will be followed.

5.0 Documentation of Complaints

During construction and operation of the Project, EPW will keep a complaint log, recording complaints that it receives. The complaint log will include, if available, the date of the complaint, the name of the complainant, contact information for the complainant including address, and a description of the complaint. It will also include a description of the complaint resolution if resolution is feasible.

The complaint log will be maintained by EPW and will be made available to the DPS. Upon request by the DPS, EPW will send the complaint log via email within seven (7) business days.

All complaints received shall be reported to the Siting Board, or the commission after the Board's jurisdiction has ceased, monthly during the first three years of commercial operation and quarterly thereafter. By filing with the Secretary during the first 10 calendar days of each month, copies of the complaints and if available, a description of the probable cause, the status of the investigation, summary of findings and whether mitigation measures have been implemented. If no complaints are received, EPW shall submit a letter to the Secretary indicating that no complaints were received during the reporting period. In addition, EPW will provide an annual report of complaint resolution tracking to DPS Staff, which will also be filed with the Secretary.

6.0 Public Notification of Complaint Process

No less than two (2) weeks prior to the commencement of construction, EPW will publish a summary of the Plan in such newspapers, including local community and general circulation newspapers, which will serve substantially to inform the public of the Plan. The summary will include contact information including phone numbers and email and physical addresses. EPW will provide the Plan to the local Town Supervisors. EPW will also post the Plan on EPW's website, and the Plan will be available to the public at EPW's temporary construction office and at the O&M building once the Project is operational (see Table 1).

7.0 Complaints Related to Off-Air Television Coverage

EPW understands that, in accordance with Certificate Condition 56i, impacts to existing off-air television coverage may result in complaints. If it is determined that Facility operation has resulted in impacts to existing off-air television coverage, EPW shall address each individual problem by investigating the methods of improving the television reception system. Should this prove ineffective, cable television hookups shall, at EPW's expense, be provided (in areas where cable service is available), or in areas where cable service is not available or not practical, direct broadcast satellite reception systems to any affected resident so desiring this compensation. All complaints related to off-air television coverage, including method of resolution, will be included in the complaint log described in Section 5.0, above.

Appendix A: Complaint Resolution Form

Eight Point Wind Complaint Resolution Form

Name: _____

Date: _____

Phone #: _____

Email: _____

Address: _____

Description of Complaint: *

*If possible, include date and time the issue occurred, exact location of issue, duration, weather conditions and any other details that can help pinpoint the issue.

Appendix B: Noise Complaint Resolution Protocol

NOISE COMPLAINT AND RESOLUTION PLAN

The steps outlined in this noise complaint resolution plan ensure that the community has a method to register their noise complaints or concerns in a timely manner, and also provide checks so the process is not abused. This plan is in effect upon commencement of construction and will be in effect for the life of the project.

Complaint Response – Construction

If the Sound Complaint location is more than one (1) mile from active construction activity, the complaint will be logged but no action will be taken.

If the Sound Complaint is less than one (1) miles from active construction activity, the following steps will be taken:

- A representative from the construction firm will visit the site of the complaint during construction activity to listen and observe.
- Construction personnel will try to determine if any equipment is not functioning properly and thus creating unusual sound. If so, this equipment will be repaired or replaced as soon as practicable.

Complaint Response– Operations

If the Sound Complaint represents a residence within one mile of any turbine, and based on monitoring and/or modeling, there appears to be a reasonable possibility that the sound levels induced by the Project exceed any Certificate Condition of the Order or are within 5 dBA of any applicable noise limit specified in a Certificate Condition at the complainant's location, and the sound is not related to Project maintenance or abnormal operational conditions, then Eight Point Wind will investigate the incident as follows:

- ◆ Determine whether the sound level at the complaint location is likely to be greater than any limit specified in the applicable Certificate Conditions of the Order or are within 5 dBA of any applicable noise limit by reviewing the pre-construction sound modeling or any preliminary readings.
- ◆ Eight Point Wind is not required to conduct sound testing if:
 - the modeled sound level is lower than 5 dBA below any applicable noise limit.
 - the complaint has occurred as a result of abnormal operation. In this case, Eight Point Wind shall make necessary repairs.

Eight Point Wind shall conduct sound monitoring if:

- ◆ The complaint location is further than 0.5 miles from any post-construction sound compliance monitoring locations, or the location is closer than 0.5 miles of a previously evaluated monitoring location, and the modeled or measured sound levels are higher or expected to be higher than the positions previously evaluated.
- ◆ If there is a reasonable possibility that conditions have changed that affect wind turbine sound levels, or
- ◆ The issue is different than the one previously evaluated, or
- ◆ The last sound monitoring was conducted more than three years ago.

Eight Point Wind will not, as a result of additional complaints, repeat sound monitoring in a previously evaluated location during any three-year period following the first monitoring for that receptor, unless changes in system operation or turbine maintenance can be reasonably assumed to have resulted in higher turbine sound levels.

Sound monitoring in response to complaints will be addressed as part of the relevant and applicable portions of the Sound Monitoring Protocol, Appendix A to the Certificate Conditions.

Eight Point Wind may request that a Complainant maintain a written log of potentially offending sound events over some reasonable period of time, in order to assist in identifying influences that may affect the sound from the turbines. If the identified factors demonstrate that follow-up sound monitoring is warranted, Eight Point Wind shall make reasonable efforts to conduct such monitoring under conditions similar to those existing at the time the complaint arose. Eight Point Wind may have access to a sound level meter within 24 hours of request. This meter may be used to perform "spot checks" of sound levels at the area of complaint.

Eight Point Wind shall inform a resident when it intends to conduct any exterior sound monitoring and cooperate with the resident to determine an appropriate location for the monitoring equipment. If Eight Point Wind determines that a Sound Complaint is the same and not valid for two separate instances at the same location, then any future complaint, beyond the first two, may require that complainant to pay the cost of sound testing.

Reporting

If any complaint-based sound monitoring is conducted by Eight Point Wind, the results of the testing shall be submitted in a report within 45 days of the completion of that monitoring. This report shall go to the complainant, NYS DPS, as specified in the Order, and, if requested, to the Town Clerk of West Union and the Town Clerk of Greenwood. The report shall include the following information during the monitoring period:

- ◆ Ground-level wind speed and direction
- ◆ Operational status of the wind turbines (including wind speed, wind direction, power and NRO if applied)
- ◆ Summary of sound levels, and
- ◆ Raw sound level data as logged by the sound level meter during the program.

If, as the result of a complaint resolution, it is determined that the sound level at any non-participating residence, attributable to the Project, does not comply with any Certificate Condition of the Order, Eight Point Wind will proceed with subsequent steps as specified in the Order.

This protocol will be updated to address the final Order and Certificate Conditions. This protocol shall not be used to request an amendment of the Certificate. Any change that should in fact be a request for amendment to a Certificate will be addressed as specified in Part 1002 of Article 10 regulations (Compliance Filings).