

Appendix 12-3:  
Complaint Resolution Plan



## **COMPLAINT RESOLUTION PLAN**

Excelsior Energy Center  
Genesee County, New York

**FACILITY OPERATOR:**  
Excelsior Energy Center, LLC  
700 Universe Boulevard  
Juno Beach, FL 33408

**September 2020**

## Contents

1.0	Complaint Resolution Plan.....	1
2.0	Procedure for Filing Complaints .....	1
3.0	Resolution of Complaints.....	5
4.0	Dispute Resolution and Unresolved Complaints .....	5
5.0	Documentation of Complaints.....	5
6.0	Public Notification of Complaint Process.....	6

## Table

Table 1. Excelsior Energy Center Project Complaint Contacts .....	1
---	---

## 1.0 Complaint Resolution Plan

Excelsior Energy Center, LLC (the Applicant or Excelsior Energy Center), a subsidiary of NextEra Energy Resources, LLC (NextEra) has prepared this Complaint Resolution Plan (the Plan) to establish a consistent method and procedure by which the Applicant will address public complaints, including noise complaints, which may be received during the construction and/or operation of the Excelsior Energy Center Project (the Project).

## 2.0 Procedure for Filing Complaints

The following procedures outline the process by which a Complainant may file a complaint related to the Project:

1. Call the Applicant at **(800) 674-8613**, or call the Construction Manager during construction, or the Site Manager once the Project is operational, at the numbers listed in the following table, a complete version of which will be provided in the Complaint Resolution Plan to be submitted as part of the Compliance Filings prior to construction.

**Table 1. Excelsior Energy Center Project Complaint Contacts**

Title	Name	Office Phone	Cell Phone	Home Phone
<b>Site Leader:</b>	NAME TBD	PHONE NUMBER TBD	PHONE NUMBER TBD	PHONE NUMBER TBD
<b>Construction Manager:</b>	NAME TBD	PHONE NUMBER TBD	PHONE NUMBER TBD	PHONE NUMBER TBD

2. Meet with local Excelsior Energy Center employees in person at the temporary construction office. The location of the construction office will be finalized prior to construction and included in the Final Complaint Resolution Plan to be filed as part of the Compliance Filings.
3. Submit a complaint in writing by mailing a detailed complaint to the following address:  
Excelsior Energy Center, LLC  
700 Universe Blvd., FEW/JB  
Juno Beach, FL 33408; or
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. The email

address will be provided on the Project website during construction and will be provided in the construction commencement notification letter.

In order for the Applicant 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;
- Complainant's phone number;
- Complainant's address;
- Location of issue; and
- Detailed description of the complaint (if possible, include the date and time that the issue occurred, the exact location and duration of the issue, and any other details that can help pinpoint the issue).

Due to distance from the Project, if a noise complaint is received during construction of the Project and the location is more than one mile from active construction activity, the complaint will be logged but no action will be taken. If the complaint is made from a location less than one mile from active construction activity, the complaint will be logged and the following steps will be taken:

1. A representative from the construction firm will confirm the activity is taking place during permitted construction hours. If not, the activity will cease immediately. If confirmed, the representative will follow steps 2 and 3 below.
2. A representative from the construction firm will visit the site of the complaint during construction activity to listen and observe.
3. 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 practical. If not, no further action will be taken.

If a noise complaint is received during operation of the Project, a Sound Complaint Log Sheet will be completed. A sample of this Sound Complaint Log Sheet is included as part of this Plan. If the complaint represents a residence within one-half mile of any component of the Project, and based on monitoring and/or modeling, there appears to be a reasonable possibility that the sound level induced by the Project is greater than 45 dBA at the complaint's location, and the sound is not related to Project maintenance or abnormal operational conditions, then the Applicant will investigate the incident as follows:

- Determine whether the sound level at the complaint location is likely to be greater than 45 dBA by reviewing the pre-construction sound modeling.

The Applicant is not required to conduct sound testing if:

- The modeled sound level is below 45 dBA, or
- The complaint has occurred as a result of abnormal operation. In this case, the Applicant shall make necessary repairs.

The Applicant shall conduct sound monitoring if:

- The complaint location is further than 0.5 miles from any post-construction sound compliance monitoring locations (see Exhibit 19 for post-construction sound monitoring information), or
- If there is a reasonable possibility that conditions have changed that affect inverter or substation sound levels, or
- The last sound monitoring was conducted more than three years ago.

The Applicant will not, as a result of additional complaints, repeat sound monitoring in a representative area during any three-year period following the first complaint response procedure for that area, unless changes in system operation or inverter/energy storage system/substation maintenance can be reasonably assumed to have resulted in higher operational sound levels. During the first year of operation, sound monitoring in response to complaints will be addressed as part of the first-year Sound Monitoring Protocol (see Exhibit 19).

The Applicant 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 Project. If the identified factors demonstrate that follow-up sound monitoring is warranted, the Applicant shall make reasonable efforts to conduct such monitoring under conditions similar to those existing at the time the complaint arose. The Applicant 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.

The Applicant shall inform a resident if they intend to conduct exterior sound monitoring and cooperate with the resident to determine an appropriate location for the monitoring equipment. If the Applicant determines that a Sound Complaint is not valid for two separate instances at the

same location, then future complaints, beyond the first two, require that particular complainant to pay for the cost of sound testing.

If any complaint-based sound monitoring is conducted by the Applicant, the results of the testing shall be submitted in a report within 45 days of the completion of that monitoring. The report shall go to the complainant, and if requested by the complainant, to the Town of Byron Town Clerk, and the New York State Department of Public Service (NYSDPS). The report shall include the following information during the monitoring period:

- Operational status of the Project;
- 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, is above the 45 dBA (1-hour Leq) Project standard, the Applicant will take steps to identify the issue and evaluate practical measures to reduce sound levels at the receptor and/or mitigate the issue by other measures.

Included in this Plan is a Complaint Form that can be used to submit a complaint by mail or to be dropped off at the temporary construction office. These forms will also be available at the temporary construction office.

The Applicant encourages complainants to submit complaints directly to Excelsior Energy Center at the following address:

Excelsior Energy Center, LLC  
700 Universe Blvd., FEW/JB  
Juno Beach, FL 33408

This will allow the Applicant to address such complaints in a timely manner. Complaints submitted to local governmental agencies, emergency service providers, New York state agencies or other third parties may not be communicated to the Applicant and therefore may not get addressed.

In circumstances whereby a third party receives a complaint about the Project, the Applicant requests that the third party refer the complainant to the Complaint Resolution Plan on the Applicant's website and, if possible, forward the complaint to the Applicant within seven business days. The Applicant will communicate this request to local governmental agencies, emergency

service providers, New York state agencies and other third parties that may receive complaints about the Project.

### **3.0 Resolution of Complaints**

The Applicant 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 the Applicant; as such, speedy resolution of legitimate complaints is imperative.

Upon receiving a complaint, the Applicant will enter the complaint into a complaint log (see Section 5.0), documenting the details, and will determine a plan of action to resolve the complaint, if possible to resolve. If necessary, the Applicant will contact the complainant as quickly as possible and in all cases within 72 hours to gather additional information and/or discuss a resolution plan. The Applicant will work in good faith to address and/or resolve complaints as soon as is reasonably practicable and commits to resolving complaints within 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.

### **4.0 Dispute Resolution and Unresolved Complaints**

In some instances, the Applicant and a complainant (parties) may not agree on a resolution to a complaint. In such instances the Applicant may determine that a complaint does not have a reasonable resolution. For such complaints (e.g., a complaint regarding the aesthetic value of solar arrays or a complaint about the value of solar energy), the Applicant will add the complaint to the complaint log, notify the complainant that no resolution is feasible and recommend the complainant contact the NYSDPS if they disagree. The complainant thereafter may use the NYSDPS complaint resolution procedures to seek a resolution of the complaint.

### **5.0 Documentation of Complaints**

During construction and operation of the Project, the Applicant will keep a complaint log with records of complaints received. 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 phone number, and a detailed 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 the Applicant and will be made available to the NYSDPS. Upon request by the NYSDPS, the Applicant will send the complaint log via email within seven business days.

#### **6.0 Public Notification of Complaint Process**

No fewer than two weeks prior to the commencement of construction, the Applicant will publish a summary of the Complaint Resolution Plan in such newspapers, including local community and general circulation newspapers, as will serve substantially to inform the public of such Complaint Resolution Plan. The summary will provide contact information including phone numbers, email, and physical addresses. The Plan will be provided to the Town of Byron Town Clerk. The Plan will also be posted on the Applicant's website and will be available to the public at temporary construction office.

# Complaint Form

Name: \_\_\_\_\_

Date: \_\_\_\_\_

Phone #: \_\_\_\_\_

Address:  
\_\_\_\_\_

Description of Complaint:\*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

**Sound Complaint Log Sheet – Excelsior Energy Center**

---

<b>Personnel Answering the Phone:</b>	
<b>Date (MM/DD/YY):</b>	(circle) <b>Mon. Tue. Wed. Thur. Fri. Sat. Sun.</b>
<b>Time of the Call:</b>	

**Complaint Information**

<b>Name of Caller:</b>
<b>Address of Caller:</b>
<b>Phone Number of Caller:</b>
<b>Name of Person with the Complaint:</b>
<b>Address of Person with the Complaint:</b>
<b>Phone Number of Person with the Complaint:</b>
<b>Time of Bothersome Activity:</b>
<b>Construction or Operational Sound Complaint? (circle one)</b>
<b>Complaint:</b>

<b>Construction Equipment Activity During the Time of the Complaint (if applicable):</b>
<b>Closest Inverter or Array to the Complaint Location:</b>

<b>Follow-Up Action and/or Resolution of Complaint:</b>
---

<b>Signature:</b>	
-------------------	--