



EAST POINT ENERGY CENTER COMPLAINT RESOLUTION PLAN

FACILITY OPERATOR:
East Point Energy Center, LLC
700 Universe Boulevard
Juno Beach, FL 33408

November 2021
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1.0 Complaint Resolution Plan

East Point Energy Center, LLC (East Point Energy Center or East Point) has prepared this Complaint Resolution Plan (the Plan) to establish a consistent method and procedure by which East Point Energy Center will address public complaints, including noise complaints, which may be received during the construction and the operation of the East Point Energy Center (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 East Point Energy Center at **(800) 379-3841**, or call/email the Construction Project Manager during clearing and grading, the Site Construction Manager during construction, or the Site Leader once the Project is operational, at the numbers listed in the following table.

Table 1. East Point Energy Center Complaint Contacts

Title	Name	Phone	Email
Construction Project Manager	Charles Pollard	(207) 590-8959	Charles.Pollard2@nexteraenergy.com
Site Construction Manager	Lawrence Nichols	(239) 910-3816	Lawrence.Nichols@nexteraenergy.com
Operation Site Leader	TBD	TBD	TBD

2. Meet with local East Point Energy Center employees in person at the temporary construction trailer. A construction trailer will be located at the laydown yard at the intersection of Highway 20 and Beech Roads during tree clearing and grading activities.

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3. Submit a complaint in writing by mailing a detailed complaint to the following address:

East Point 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 East Point Energy Center, LLC.

In order for East Point Energy Center 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;
- Complainant's email address;
- Location of issue;
- Duration of the 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).

A flowchart illustrating the procedures described above is included at the end of this plan as Attachment A.

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

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.

East Point Energy Center encourages complainants to submit complaints directly to East Point at the following address:

East Point Energy Center, LLC

700 Universe Blvd., FEW/JB
Juno Beach, FL 33408

This will allow East Point Energy Center 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 East Point Energy Center and therefore may not get addressed.

In circumstances whereby a third party receives a complaint about the Project, East Point Energy Center requests that the third party refer the Complainant to the Complaint Resolution Plan on the Project's website and, if possible, forward the complaint to the East Point Energy Center within seven business days. East Point Energy Center will communicate this request to the Town Supervisor (local governmental agencies), emergency service providers, New York State agencies and other third parties that may receive complaints about the Project. If a complaint of damage associated with these activities is received and the resolution of this complaint results in a determination, and following the exhaustion of applicable administrative and judicial review procedures, that damages were a result of these activities, East Point Energy Center will compensate the Complainant for any damages. Compensation for damages will be discussed with the Complainant during the Resolution of Complaints process described below.

3.0 Resolution of Complaints

East Point Energy Center 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. Furthermore, some complaints cannot reasonably be resolved. Safety and good community relations are among the highest priorities of East Point Energy Center; as such, speedy resolution of legitimate complaints is imperative.

Upon receiving a complaint, East Point Energy Center 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, East Point Energy Center 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. East Point Energy Center 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

East Point Energy Center is working toward a resolution. In instances where resolution will take longer than 60 days, East Point Energy Center 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, East Point Energy Center and a Complainant (the parties) may not agree on a resolution to a complaint. Any complaints not resolved within 60 days of receipt will be reported to the Town and to DPS Staff. If necessary, the complaint will be referred as specified by applicable regulations. In other instances, East Point Energy Center may determine that a complaint does not have a reasonable resolution. For such complaints (for example a complaint regarding the aesthetic value of solar arrays or a complaint about the value of solar energy), East Point Energy Center 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, East Point Energy Center 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 East Point Energy Center and will be made available to the NYSDPS and the Town of Sharon. Upon request by the NYSDPS or the Supervisor for the Town of Sharon, East Point Energy Center will send the complaint log via email within seven 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 finings and whether mitigation measures have been implemented. If no complaints are received, the Certificate Holder shall submit a letter to the Secretary indicating that no complaints were received during the reporting period. Copies of the filings should be provided simultaneously to the Town of Sharon. East Point Energy Center will also provide annual reports of complaint resolution tracking to DPS Staff. Annual reports will also be filed with the Secretary.

6.0 Public Notification of Complaint Process

No fewer than two weeks prior to the commencement of construction, East Point Energy Center 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 Sharon Town Clerk. The Plan will also be posted on the Project's website and will be available to the public at temporary construction office.

Complaint Form

Name: _____

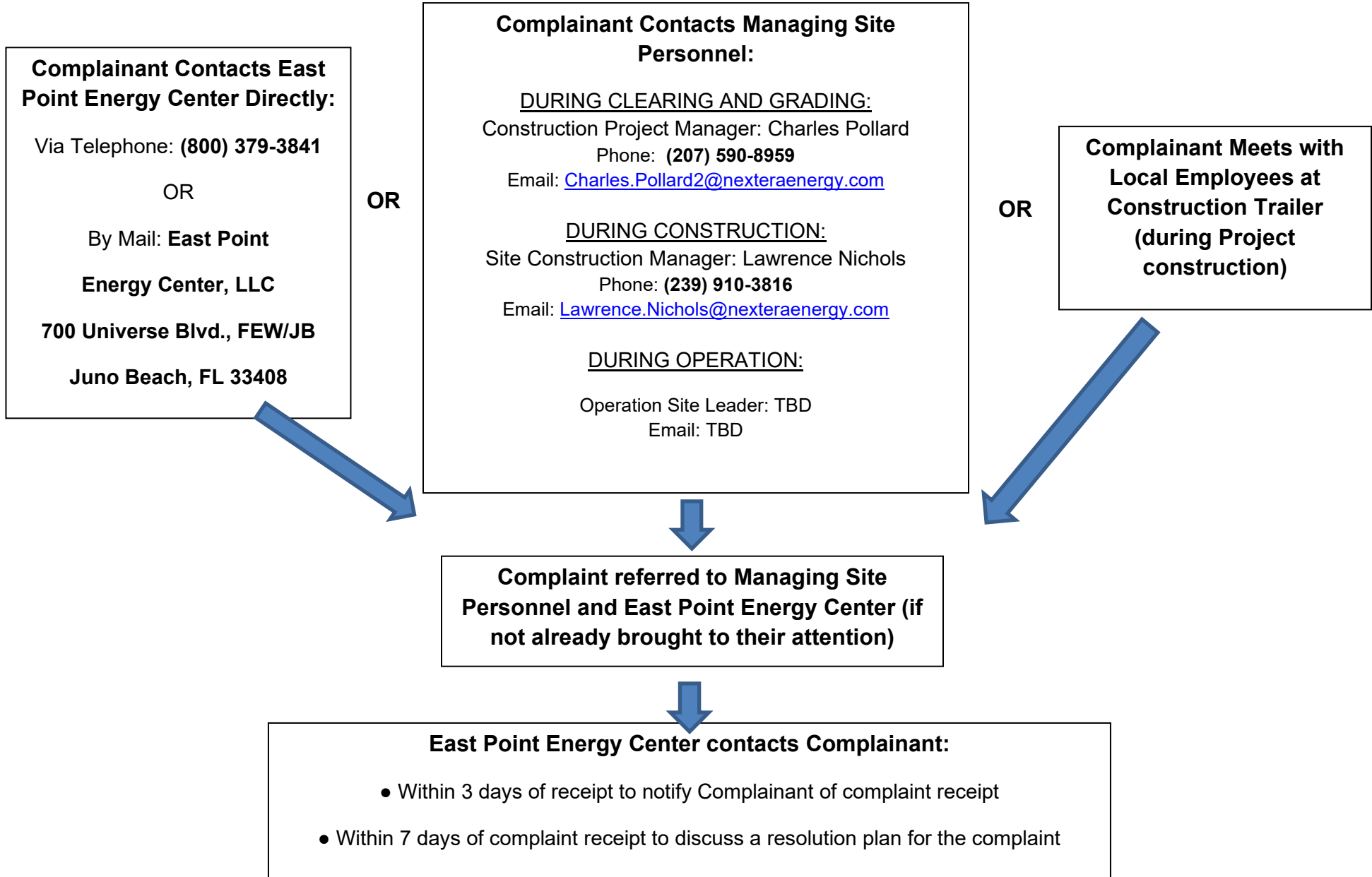
Date: _____

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.



ATTACHMENT B

EAST POINT ENERGY CENTER

Noise Complaint Resolution Protocol

Date: June 4, 2020

1. COMPLAINT RESOLUTION PROTOCOL FOR CONSTRUCTION AND OPERATIONAL NOISE FROM SOLAR FACILITIES

This Noise Complaint Resolution Protocol has been prepared to establish the procedures by which the Certificate Holder will address public complaints during the construction and the operation of the 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, Orders and agreements.

2. PROCEDURE FOR FILING COMPLAINTS

- a. Complaints can be made by following any of the following procedures.
 - i. Call the Certificate Holder at its headquarters ((800-379-3841), or its representatives (e.g. Construction Manager during construction, or the Site Manager once the Project is operational),
 - ii. Meet with Certificate Holder employees in person at the temporary construction office or at a location near the Project once the Project is operational,
 - iii. Submit a complaint in writing by mailing a detailed complaint, or
 - iv. Submit a complaint in writing by emailing a detailed complaint to the Certificate Holder or its representatives (info@eastpointenergycenter.com) (e.g. Construction Manager during construction or the Site Manager once the Project is operational),
 - v. Refer to Appendix B for contact information.
- b. The complaint should be as detailed as possible and include the information (available online at both the Project website and the Town website) indicated in Appendix A, entitled "Complaint Form". The form can be used to submit a complaint by mail. These forms will also be available at the temporary construction office during construction.
- c. The Certificate Holder encourages complainants to submit complaints directly to the Certificate Holder or its representatives in order to be able to address such complaints in a timely manner according to this protocol. Complaints submitted to other third parties may not be communicated to the Certificate Holder and therefore may not get addressed in a timely manner.
- d. In circumstances whereby a third party receives a complaint about the Project, the Certificate Holder requests that the third party refers the complainant to the Complaint Resolution Protocol on the Certificate Holder's website and, if possible, forward the complaint to the Certificate Holder within seven (7) business days of receipt. The Certificate Holder will communicate the receipt of complaints to emergency service providers, NY State agencies, the Town of Sharon, and other third parties that should be notified of complaints about the Project.

3. RESOLUTION OF COMPLAINTS

- a. The Certificate Holder will work in good faith to address and/or resolve reasonable complaints as soon as is practicable, however, some complaints may take more time than others in order to evaluate and determine proper resolution, and some complaints may not reasonably be resolved. If a complaint cannot be reasonably resolved, the Certificate Holder will advise the complainant i

writing as to why and share said response with emergency service providers, NY State agencies, the Town of Sharon, and other third parties that should be notified of complaints about the Project. Please also refer to Certificate Conditions of the Order for other specific requirements.

- b. The Certificate Holder will contact the complainant as quickly as possible and in all cases within 3 days to confirm that the complaint was received and within 7 days of receipt to gather additional information and/or discuss a resolution plan.
- c. The Certificate Holder will resolve complaints within the time frames specified in the Certificate Order, if any. Otherwise the Certificate Holder 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 within 30 days of receipt of the complaint to explain why resolution will take, or is taking, longer and will provide a timeframe for resolution. The complainant may contact the Certificate Holder to obtain status updates concerning the response to the complaint.

4. DISPUTE RESOLUTION AND UNRESOLVED COMPLAINTS

- a. In some instances, the Certificate Holder and a complainant (the parties) may not agree on a resolution to a complaint. In such instances, the Certificate Holder will consult New York State Department of Public Service (DPS) and notify the Town of Sharon. If necessary, the complaint will be referred as specified by applicable regulations.
- b. In other instances, the Certificate Holder may determine that a complaint does not have a reasonable resolution. For such complaints (for example a complaint about the value of solar energy), the Certificate Holder will add the complaint to the complaint log and notify the complainant that no resolution is feasible unless a different procedure is required by the Certificate Order or applicable regulations.

5. DOCUMENTATION OF COMPLAINTS

- a. During construction and operation of the Project, the Certificate Holder will keep a complaint log, recording complaints that it receives. The complaint log will include, at a minimum, the information required by the Certificate Order. A sample complaint log form is included as Appendix C.
- b. At a minimum, the log will contain the name(s) and contact information of the person(s) that lodges the complaint, name of the property owner(s), address of the residence where the complaint was originated, the date and time of the day underlying the event complained of, and a summary of the complaint, if available.
- c. The complaint log will be maintained by the Certificate Holder and will be made available to DPS and the Town of Sharon upon request.

6. PUBLIC NOTIFICATION OF COMPLAINT PROCESS

- a. No less than two (2) weeks prior to the commencement of construction, the Certificate Holder will publish a summary of the Complaint Resolution Protocol in such newspapers, including local community and general circulation newspapers, including the newspaper of record for the Town of Sharon, as will serve substantially to inform the public of such Complaint Resolution Protocol. The summary will include contact information of the Certificate Holder including phone numbers, email and physical addresses.
- b. The Protocol will be provided to the Town Supervisor and Town Boards where the Project is sited.
- c. The Protocol will also be posted on the Certificate Holder's website and will be available to the public at the Certificate Holder's temporary construction offices.

7. NOISE COMPLAINT AND RESOLUTION PROTOCOL

This Protocol is in effect upon commencement of construction and will be in effect for the life of the project.

a. Complaint Response – Construction

- i. At a minimum, complaints from construction will be addressed as specified in the Certificate Order.
- ii. If the Sound Complaint location is more than one (1) mile¹ from active construction activity, the complaint will be logged but no action will be taken.
- iii. If the Sound Complaint location is one (1) mile¹ or less from active construction activity, the following steps will be taken:
 1. A representative from the construction firm will visit the site of the complaint during construction activity to listen and observe.
 2. The Certificate Holder will determine whether the Certificate Conditions of the Order on construction noise are met and if not, correction(s) will be taken, or
 3. Construction personnel in consultation with the EM will 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.

b. Complaint Response - Operation

If the Sound Complaint is originated in a residence within half mile of the facility, and based on final computer noise modeling or any preliminary monitoring, there appears to be a reasonable possibility that the sound levels induced by the Project exceed or are within 5 dBA of any applicable noise limit or design criteria specified in a Certificate Condition of the Order, then the Certificate Holder will investigate the incident as follows:

- i. The Applicant is not required to conduct sound testing if:
 1. the modeled sound levels are lower than 5 dBA below any applicable noise limit.
 2. the complaint has occurred as a result of abnormal operation. In this case, the Certificate Holder shall make necessary repairs.
- ii. The Certificate Holder shall conduct sound monitoring if:
 1. The complaint location is further than 0.5 miles from any previously evaluated monitoring locations, or
 2. The location is closer than 0.5 miles of a previously evaluated monitoring location but the final computer noise modeled levels or the results of any preliminary measurements of sound levels are higher or expected to be higher than the positions previously evaluated, or
 3. There is a reasonable possibility that mechanical or operational

¹ Two(2)miles for complaints from blasting noise.

conditions have changed that affect Inverter/Medium to Low Voltage Transformer or substation equipment sound levels, or,

4. The issue is different than the one previously evaluated, or
 5. The last monitoring was conducted more than three years ago.
- iii. The Certificate Holder 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 maintenance can be reasonably assumed to have resulted in higher sound levels.
 - iv. The Certificate Holder 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 Facility.
 - v. If Certificate Conditions of the Order or any preliminary investigation suggests that sound monitoring is warranted, the Certificate Holder shall conduct such sound monitoring through an independent third party capable of producing verifiable results.
 - vi. The Certificate Holder 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 the investigation determines that a sound complaint is the same as previously lodged and that the Facility is found to be in compliance with the relevant certificate conditions for two separate instances at the same location during the last 3 years, then any future complaint, beyond the first two, may require the complainant to pay the cost of additional sound testing.
 - vii. If, as the result of an investigation of a complaint, it is determined that the sound level at any residence, attributable to the Project, does not comply with any Certificate Condition or design goal of the Order, the Certificate Holder will evaluate and implement practical measures to reduce sound levels at the receptor and/or mitigate the issue by other measures.
 - viii. Complaints associated with the operation of motors/tracking systems, will be addressed by implementing operational mitigation strategies (e.g. staggering), or physical mitigation measures (e.g., lubrication, replacement of noisy components), as feasible and appropriate.

8. REPORTING

- a. For any complaint-based monitoring conducted by the Certificate Holder, the results of the testing shall be submitted in a report as specified in the Certificate Order and in this Complaint Resolution Protocol.
- b. Copies of the report will be delivered to the complainant, NYS DPS, and, to the Town of Sharon.
- c. The report shall include at a minimum the following information collected during the monitoring period:
 - i. Ground-level wind speed and direction during monitoring (1.5 meters above the ground),
 - ii. Operational status of the noise sources or substation components, as applicable,
 - iii. Summary of sound levels,

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- iv. Raw sound level data as logged by the sound level meter during the program
- v. Conclusions.

APPENDIX A: COMPLAINT FILING FORM (for public)

Date of filing: _____

Name of Property Owner: _____

Name of the Complainant: _____

Address: _____

Phone #: _____

Email Address: _____

Date and time of the day underlying the event: _____

Location(s) of the property where the issue is/was noticed: _____

Duration of the issue: _____

Description of Complaint:* _____

*If possible, include weather conditions and any other details that can help identifying the issue.

APPENDIX B: CERTIFICATE HOLDER'S CONTACT INFORMATION

Call East Point Energy Center at **(800) 379-3841**, or call/email the Project Manager during clearing and grading, the Construction Manager during construction, or the Site Manager once the Project is operational, at the numbers and email addresses listed in the following table.

Table 1. East Point Energy Center Project Complaint Contacts

Title	Name	Phone	Email
Construction Project Manager	Charles Pollard	(207) 590-8959	Charles.Pollard2@nexteraenergy.com
Site Construction Manager	Lawrence Nichols	(239) 910-3816	Lawrence.Nichols@NexteraEnergy.com
Operation Site Leader	TBD	TBD	TBD

APPENDIX C: COMPLAINT LOGGING FORM (for Operator)

Sound Complaint Log Sheet – East Point Solar

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

Complaint Information

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

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

Follow-Up Action and/or Resolution of Complaint:
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Signature:	
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