



EXCELSIOR ENERGY CENTER

Complaint Resolution Plan

Excelsior Energy Center
Town of Byron, Genesee County, New York

Facility Operator:
Excelsior Energy Center, LLC
700 Universe Boulevard
Juno Beach, FL 33408

March 2025

Contents

1.0	Introduction	1
2.0	Objectives	1
3.0	Procedure for Filing Complaints.....	1
4.0	Resolution of Complaints.....	3
5.0	Dispute Resolution and Unresolved Complaints	3
6.0	Documentation of Complaints.....	4
7.0	Public Notification of Complaint Process	4

Tables

Table 1.	Excelsior Energy Center Project Complaint Contacts	1
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Attachments

Attachment A. Excelsior Energy Center Complaint Resolution Form

Attachment B. Excelsior Energy Center Complaint Resolution Flowchart

Attachment C. Noise Complaint Resolution Protocol

1.0 Introduction

Excelsior Energy Center, LLC (Excelsior), a wholly-owned, indirect subsidiary of NextEra Energy Resources, LLC, is proposing to construct, own, operate, and maintain the Excelsior Energy Center Project (Project), a 280-megawatt (MW) solar energy generating facility, located in the Town of Byron (Town), Genesee County, New York.

2.0 Objectives

The objectives of this Complaint Resolution Plan (Plan) are to establish a consistent method and procedure describing how any Complainant (i.e., stakeholder or member of the public with a concern or complaint about the Project) can file a complaint, how Excelsior will respond and resolve complaints, how complaints will be recorded for the Project, and how stakeholders will be notified of the availability and details of the Plan. This Plan includes as Attachment A, a Complaint Resolution Form that can be used for filing complaints; Attachment B provides a flow chart of Excelsior's complaint resolution process for the Project; and Attachment C contains the Noise Complaint Resolution Protocol.

3.0 Procedure for Filing Complaints

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

1. Preferred Method: Call or email Excelsior Energy Center at **(800) 674-8613** or info@excelsiorenergycenter.com.
2. Call/email the Site Construction Manager during construction, or the Site Manager once the Project is operational, at the numbers and emails listed in Table 1, below.

Table 1. Excelsior Energy Center Project Complaint Contacts

Title	Name	Office Phone	Email
Site Construction Manager:	Lawrence Nichols	(239) 910-3816	Lawrence.Nichols@nexteraenergy.com
Site Manager (Operations):	TBD	TBD	TBD
Operation Site Leader	TBD	TBD	TBD

3. Submit a complaint in writing by mailing a detailed complaint (including important complaint details below) to the following address:

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

Important Complaint Filing Details

To facilitate Excelsior's ability to properly address a complaint, the complaint should be as detailed as possible and shall include the following information (see Attachment A):

- Complainant's name;
- Date of complaint;
- Complainant's phone number;
- Complainant's address;
- Complainant's email address;
- Property owner(s) name (if different from the Complainant);
- Location/address of the issue/subject of the complaint;
- Date, Time of Day, and Duration of the issue/subject of the complaint; and
- Detailed description of the complaint (if possible, include the date and time that the issue occurred or was observed, the exact location and duration of the issue, and any other details that will help Excelsior understand and resolve the issue).

A flowchart illustrating the procedures described above is provided as Attachment B. The Complaint Resolution Form (Attachment A) will be available at the Byron Town office, the Project's temporary construction trailer, and on the Project website: <https://www.excelsiorenergycenter.com/>:

Following this Complaint Resolution Plan will allow Excelsior to address 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 Excelsior in a timely manner and, therefore, may not get addressed.

In circumstances whereby a third party receives a complaint about the Project, Excelsior 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 Excelsior within seven (7) business days. Excelsior 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.

4.0 Resolution of Complaints

Excelsior will work in good faith to address and/or resolve complaints received on the Project as soon as practicable. However, some complaints may take time to evaluate and determine proper resolution and some complaints may not reasonably be resolved. Excelsior considers public safety and good host community relations among its highest priorities; as such, speedy resolution of legitimate complaints is imperative.

Upon receiving a complaint, Excelsior will enter the complaint into a complaint log, documenting the details, and will determine a plan of action to resolve the complaint, if possible. Excelsior will have a recorded message that acknowledges receipt of calls as well as an automatic email response. If necessary, Excelsior 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. Excelsior 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.) In instances where resolution will take longer than 60 days, Excelsior 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.

If a complaint of damage associated with the Project is received, and resolution of the complaint results in a determination (following applicable administrative and judicial review procedures) that damages were a result of the Project, Excelsior will compensate the Complainant for damages. Compensation for damages will be discussed with the Complainant during the Resolution of Complaints process described previously.

5.0 Dispute Resolution and Unresolved Complaints

In some instances, Excelsior and a Complainant (Parties) may not agree on resolution to a complaint. Any complaints not resolved within 60 days of receipt will be reported to the Town and to the New York State Department of Public Service (NYSDPS) staff. If necessary, the complaint will be referred as specified by applicable regulations. In other instances, Excelsior 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), Excelsior 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.

6.0 Documentation of Complaints

During construction and operation of the Project, Excelsior 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, property owner's name (if different than the Complainant), location/ address of the issue/subject of the complaint, 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 Excelsior and will be made available upon request to the NYSDPS and Town of Byron. Upon request by the NYSDPS or the Town of Byron, Excelsior will send the complaint log via email within seven business days. Confidential information will be protected and not disclosed.

Complaints received shall be reported to the New York Board on Electric Generation Siting and the Environment (Siting Board), or the Public Service Commission (Commission) after the Board's jurisdiction has ceased, monthly during the first three (3) years of commercial operation (and quarterly thereafter) by filing with the Secretary during the first ten (10) calendar days of each month (or the first 10 calendar days of each quarter after 3 years), copies of the complaints and if available, a description of the probable cause, the status of the investigation, summary of findings, and weather mitigation measures have been implemented . If no complaints are received, Excelsior will submit a letter to the Secretary indicating that no complaints were received during the reporting period. Copies of the filings will be provided simultaneously to the Town of Byron. Excelsior will also provide annual reports of complaint resolution tracking to NYSDPS Staff. Annual reports will also be filed with the Secretary.

7.0 Public Notification of Complaint Process

No fewer than two weeks prior to the commencement of construction, Excelsior will publish notices in local and community newspapers in circulation in the Project vicinity, as well as free community newspapers if available, informing the public of the Project's Complaint Resolution Plan. Notices will also be provided to the Town of Byron Town Hall and the Byron-Bergen Public Library. The public notices will include contact information including phone numbers and email addresses for the

appropriate Project contacts along with physical addresses, where applicable. The Plan will also be provided to the Byron Town Clerk, posted at the temporary construction trailer, and will be posted on the Project's website for easy access by those interested in submitting a complaint.

Attachment A
Excelsior Energy Center
Complaint Resolution Form

Excelsior Energy Center
Complaint Resolution Form

Complainant Name: _____

Complaint Date: _____

Complainant Phone #: _____

Complainant Address: _____

Complainant Email Address: _____

Location/Address of Issue/Concern: _____

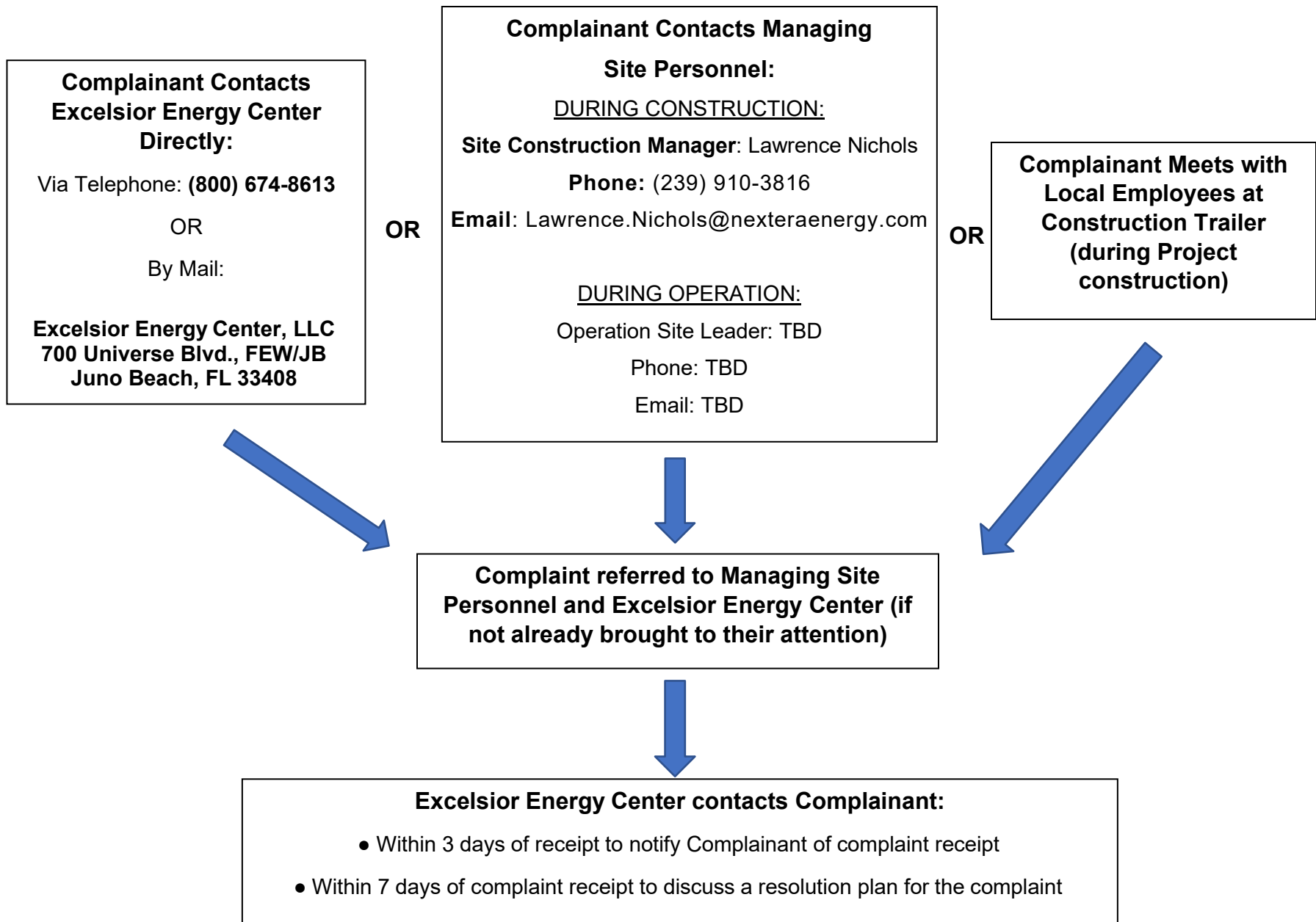
Date/Time Issue Occurred/Was Observed (specify): _____

Description of Complaint*:

*Please provide as much detail as possible to assist Excelsior with understanding the origins/details of your complaint i.e., circumstances observed contributing to the issue, weather conditions during event, equipment observed, and desired resolution.

Attachment B
Excelsior Energy Center
Complaint Resolution Flowchart

Attachment B. Excelsior Energy Center – Complaint Resolution Flowchart



Attachment C

Excelsior Energy Center

Noise Complaint Resolution Protocol

APPENDIX B
EXCELSIOR ENERGY CENTER
PROJECT
Noise Complaint Resolution
Protocol

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 (800-674-8613), 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@excelsiorenergycenter.com) (e.g. Construction Manager during construction or the Site Manager once the Project is operational),
 - v. Refer to Appendix D 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 C, 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 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 Byron, 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 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 in writing as to why and share said response with emergency service providers, NY State agencies, the Town of Byron, 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 Byron. 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 E.
- 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 Byron 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 Byron, 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 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.

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

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

APPENDIX C: 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 D: CERTIFICATE HOLDER'S CONTACT INFORMATION

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

Telephone: 800-674-8613
Email: info@excelsiorenergycenter.com

APPENDIX E: COMPLAINT LOGGING FORM (for Operator)