

**STATE OF NEW YORK**  
**PUBLIC SERVICE COMMISSION**

Application of Baron Winds LLC for a Certificate of Environmental Compatibility and Public Need to Construct a Major Electric Generating Facility in the Towns of Cohocton, Dansville, Fremont and Wayland, Steuben County, NY.

Case No. 15-F-0122

**COMPLIANCE FILING OF BARON WINDS LLC**

**CERTIFICATE CONDITION NO. 45**

**UPDATED COMPLAINT RESOLUTION PLAN**

**October 14, 2020**

# **Complaint Resolution Plan**

**Baron Winds Project  
Steuben County, New York**

Baron Winds LLC  
1251 Waterfront Place,  
Third Floor  
Pittsburgh, PA 15222

**October 2020**

## **Baron Winds Project Complaint Resolution Plan**

### **Introduction**

This Complaint Resolution Plan has been developed by Baron Winds LLC (Baron Winds) to establish a consistent process for responding to any public complaints arising during the construction and operation of the Baron Winds Project (the “Project”). Specific procedures for receiving and responding to noise and vibration-related complaints, including those associated with substation operation, are provided in Attachment A.

### **General Project Communications**

The following phone number and email address have been established for the Project:

<b>Toll Free Number:</b>	<b>1-844-833-9145</b>
<b>Email Address:</b>	<a href="mailto:baroninfo@rwe.com">baroninfo@rwe.com</a>

Pursuant to applicable Certificate conditions imposed by the NYS Board on Electric Generation Siting and the Environment (“Siting Board”), Baron Winds will provide the following information prior to commencing construction: (1) a map of the Project; (2) a brief description of the Project; (3) the construction schedule and transportation routes; (4) the contact name and address of the Project Development Manager, the Construction Manager and other Project contacts, as appropriate; (5) the procedure and contact information for registering a complaint; and (6) contact information for the Siting Board and New York State Public Service Commission as follows:

- a) By mail to host landowners, adjacent landowners within 5,000 feet of the final layout to be constructed, and persons who reside on such property (if different from the landowner);
- b) To local Town and County officials and emergency personnel;
- c) Via publication in the local newspapers of record for dissemination, including at least one free publication, if available (e.g., Pennysaver);
- d) Via displays in public places, which will include, but not be limited to, the Town Halls of the host communities, at least one library in each host community, at least one post office in each host community, the Facility website, and the Facility construction trailers/offices; and
- e) By filing with the Secretary for posting on the DPS Document Matter Management website.

Project information, including this Complaint Resolution Plan and the accompanying Complaint Form, will also be posted on the Project website.

### **Registering a Complaint**

Complaints can be made by any of the following methods:

1. Calling the local operations and maintenance office, or the toll-free number;
2. Speaking directly with Baron Winds personnel at an office location;
3. Writing to Baron Winds at its local address or principal place of business or using the designated email address.

To allow Baron Winds to thoroughly investigate and address a concern, the complainant should provide as much information as possible including (but not limited to) the following:

- Full Name
- Mailing address
- Phone number
- Email address (if applicable)
- Date of the situation that prompted the complaint
- Location of issue
- Detailed description of the complaint, including any information that may help to identify the source of a concern (e.g., type of noise, direction relative to observation, duration, time observation was made, etc.).

The Complaint Form included as Attachment B may be used to submit the complaint. These forms will be posted on the Project website and made available at the Project's temporary construction trailer/office and the permanent operations and maintenance facility. However, complaints do not need to be submitted using a specific form or following a specific format.

Upon receipt of the complaint, a representative of Baron Winds will follow up with the complainant within 48 hours to confirm receipt and obtain any additional information needed to commence a proper investigation.

Baron Winds encourages complainants to submit complaints directly to the company to facilitate timely resolution. In the event that the Towns, DPS, or other governmental agency receives complaints directly about the Facility, Baron Winds asks that the agency refer the complainant to the Complaint Resolution Plan and, if possible, forward the complaint to Baron Winds within two (2) business days of receipt.

### **Complaint Resolution Process**

Baron Winds is committed to addressing all complaints in an efficient and expeditious manner

by implementing the following complaint response program. To that end, the company will work in good faith to resolve all complaints as soon as is practicable. However, it is important to recognize that certain issues will require more time to investigate and resolve than others. Also, certain investigations require the cooperation of landowners or others; if that cooperation is lacking, resolution of the complaint may prove difficult, if not impossible. Finally, in some cases, a local resident may simply want to express a concern or opinion and does not expect any further action. In those circumstances, the conversation will be recorded but no additional follow-up is required.

As provided above, a detailed description of any concern or complaint is required to allow Baron Winds to adequately review and assess a potential problem. Upon receiving a complaint, it will be entered in to a Complaint Log, which will document the details provided by the complainant together with copies of any supporting documentation provided by the complainant or assembled by Baron Winds. A copy of the log will be provided to DPS quarterly.

Once Baron Winds representatives have sufficient information on the nature of the complaint, they will work with the appropriate entity (other Baron Winds personnel, the construction contractor, or an appropriate consultant) to diagnose any potential problems and formulate a response and appropriate measures, as applicable, to address the complaint. If the concern may be explained by a known, temporary condition that resulted in greater impacts (e.g., loud yaw motors, brake pad wear, etc.), the complaint may be resolved by correcting the offending condition.

Responses to complaints will generally be in writing (via a letter or email). The precise method of providing a response will depend on the complaint. The response will provide guidance concerning further action in the event the complainant is concerned about the results of the investigation and/or the proposed resolution of the complaint. The details of that further action—including the name, position and contact information of the person to whom such appeals or complaint referrals may be made—will be included in the final Complaint Resolution Plan. The procedure may differ depending on whether the complaint involves construction or operation of the Facility. Baron Winds will follow up with the complainant within 60 days to determine whether the complaint has been satisfactorily resolved.

Baron Winds is committed to resolving complaints within 60 days of receipt, unless the resolution of the complaint requires additional time to acquire necessary information (e.g., studies), long-lead items (e.g., difficult-to-obtain part), or specific weather conditions. In instances where resolution will take longer than 60 days, Baron Winds will contact the complainant to explain the situation and will provide a timeframe for resolution. DPS Staff will be notified of any complaints not resolved within 30 days of receipt.

Baron winds will provide an annual complaint resolution tracking report to DPS and will also file the report with the Secretary.

Additional procedures specific to complaints relative to Project related noise concerns are presented in Attachment A.

### **Television Reception Complaints**

If the Complaint Resolution process determines that Project operation has resulted in impacts to existing over-the-air (OTA) television coverage, Baron Winds shall address each individual problem by investigating methods of improving the television reception system (e.g. new antenna, signal boosters, etc.). Should upgrades to the OTA equipment be ineffective, Baron Winds will provide compensation for cable television service which provide a similar level of service the OTA antenna reception (i.e. a basic package that provide access to local channels). In areas where cable service is not available or not practical, Baron Winds will provide satellite television equipment. In order to qualify for the aforementioned mitigation, the complainant should demonstrate that they did not have cable or satellite service prior to construction of the Project.

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

If Baron Winds and a complainant are unable to resolve a complaint within 30 days, Baron Winds will consult with the DPS as to a possible resolution. If an issue remains unresolved, in the opinion of the complainant, for 60 days or more, Baron Winds will refer the complainant to a neutral, third-party such as a dispute resolution professional or retired judge for voluntary mediation.

In some instances, a complaint may not have a reasonable resolution (e.g., aesthetic concerns, general complaints about renewable energy, annoyance, etc.). If such complaints are received, the complainant will be notified that no resolution is feasible, and it will be added to the Complaint Log. The complainant will also be referred to the DPS if they disagree with the determination. If DPS determines that further action is required, the complaint resolution process will be followed, including possible neutral third-party referral.

## Attachment A

# Procedures for Reporting and Resolving Noise Related Complaints

### **Regarding Noise Complaints:**

1. Baron Winds will maintain a log of complaints received relating to noise and vibrations caused by the operation of the Facility, related facilities and ancillary equipment. The log shall include name and contact information of the person 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.
  
2. Baron Winds will provide the Towns with a phone number, email address and mailing address where complaints can be sent, along with the Complaint Form included as Attachment B which includes the details required in number 1 above.
  
3. All noise complaints received shall be reported to the Siting Board, or the Commission after the Siting Board's jurisdiction has ceased, monthly during the first two years of commercial operations and quarterly thereafter, by filing with the Secretary during the first 10 calendar days of each month (or the first 10 days of each quarter after three years). Reports shall include:
  - copies of the complaints;
  - if available, a description of the probable cause (e.g., outdoor or indoor noise, tones, low frequency noise, amplitude modulation, vibrations, rumbles, rattles, etc., if known);
  - the status of the investigation;
  - summary of findings; and
  - whether the Facility has been tested and found in compliance with applicable noise Certificate Conditions or minimization measures have been implemented.

If no noise or vibration complaints are received, the Baron Winds will submit a letter to the Secretary indicating that no complaints were received during the reporting period.

4. Should complaints related to excessive and persistent amplitude modulation occur at any nonparticipant residence existing as of the issuance date of the Certificate with measured or modeled sound levels exceeding 40 dBA Leq-1-hr, Baron Winds will investigate and measure amplitude modulation at the affected receptors during the time frame when the worst conditions are known, or, if not known, expected, to occur. If the L90-10 minute noise levels (dBA), including any amplitude modulation and prominent tone penalties exceed a noise level of 45 dBA and amplitude modulation is in excess of a 5 dB modulation depth at the evaluated receptor(s) for more than 5% of the time during the identified time frame of evaluation (which will not exceed eight consecutive hours), Baron Winds will continue with the investigation, identify frequency of occurrence and the conditions that may be favorable for its occurrence, and propose minimization measures to avoid or minimize the impacts. Minimization measures



that avoid, minimize, resolve or mitigate the amplitude modulation impacts shall be identified and reported to the Siting Board, or the Commission after the Siting Board's jurisdiction has ceased, by filing the proposed measures with the Secretary and implemented after review and approval. Compliance shall be finally demonstrated by conducting a test that shows that the L90-10-minute sound levels (dBA), including a 5-dBA penalty for amplitude modulation (if amplitude modulation depth is in excess of 5 dB for more than 5% of the time in any eight consecutive hours) at that particular location and any additional prominent tone penalties, are lower than or equal to 45 dBA. For any complaints that do not exceed the limits established in the foregoing, Baron Winds will handle those complaints under the Complaint Resolution Plan.

# Attachment B

## Complaint Form

# Complaint Form

## Contact Information

Date:	_____
Name:	_____
Phone Number:	_____
E-mail:	_____
Address:	_____

## Complaint Information

Nature of Complaint:	_____
Date of Occurrence(s):	_____
Weather Conditions:	_____
Wind Speed/Direction:	_____

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