

December 7, 2017

By Hand Delivery and E-Mail

Ms. Judith Whitney, Clerk
Vermont Public Utility Commission
112 State Street, Drawer 20
Montpelier, VT 05620-2701

**Re: Docket No. 7250 – Deerfield Wind Project
Final Revised Shadow Flicker Protocol Per PUC Order of 11/30/17**

Dear Ms. Whitney,

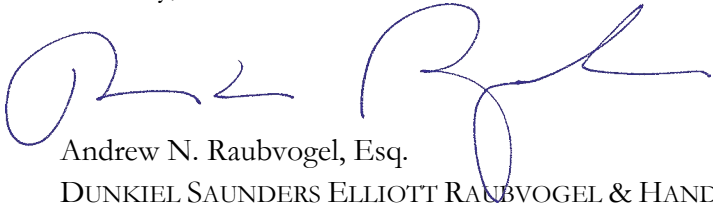
Pursuant to the Commission's Order dated November 30, 2017, Deerfield Wind, LLC ("Deerfield") hereby files its Final Revised Shadow Flicker Protocol ("Protocol"), in both redlined and clean versions. The Commission's required revisions to the Protocol have been included verbatim. In addition, Deerfield has added the following language to the second paragraph of the Protocol (in underlining), in order to memorialize the Commission's requirement that the updated shadow flicker assessment (maps and table) be referenced in, and attached to, the Protocol:

Exhibit DFLD-JZ-31, filed on July 3, 2008, contains maps depicting the cumulative number of hours of shadow flicker that were estimated to occur annually due to the Project. Deerfield prepared revised shadow flicker maps that depict predicted Project-related shadow flicker using the most current information available. See attached Exhibits A and B. Pursuant to the Vermont Public Utility Commission's Order dated November 30, 2017, these maps replace Exhibit DFLD-JZ-31. In addition, Deerfield prepared a table of predicted shadow flicker occurrence at nearby residences, in order to provide a basis for evaluating the occurrence and duration of shadow flicker at specific locations. See attached Exhibit C.

Deerfield greatly appreciates the Commission's efforts to date in issuing decisions on four of the five outstanding CPG compliance filings. **Deerfield respectfully reiterates its prior requests that the Commission issue an order approving the one remaining compliance filing — the Sound Monitoring Plan — as soon as possible but no later than December 15.**

Deerfield thanks the Commission in advance for its consideration of the above. Please let me know if you have any questions or require further information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Andrew N. Raubvogel". The signature is fluid and cursive, with a large initial "A" and a long, sweeping underline.

Andrew N. Raubvogel, Esq.

DUNKIEL SAUNDERS ELLIOTT RAUBVOGEL & HAND, PLLC

Encls.

cc: Service List

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Amended Petition of Deerfield Wind, LLC for)
a certificate of public good authorizing it to)
construct and operate 15 turbine, 30 MW wind)
generation facility, and associated transmission)
and interconnection facilities, on approximately)
80 acres in the Green Mountain National)
Forest, located in Searsburg and Readsboro,)
Vermont, with 7 turbines to be placed on the)
east side of Route 8 on the same ridgeline as the)
existing GMP Searsburg wind facility (Eastern)
Project Area), and 8 turbines along the ridgeline)
to the west of Route 8 in the northwesterly)
orientation (Western Project Area)

Docket No. 7250

CERTIFICATE OF SERVICE

I, Grace Grundhauser, certify that on December 7, 2017, I forwarded copies of Deerfield Wind, LLC's *Letter to the PUC re Final Revised Shadow Flicker Protocol Per PUC Order of 11/30/17* to the following service list by the delivery method noted:

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gerryd161@aol.com

Dated at Burlington, Vermont, this 7th day of December, 2017.

By:



Grace Grundhauser
Paralegal

Deerfield Wind Project -- Shadow Flicker Complaint Protocol

Final Revised Version, November 4 December 7, 2017

The Certificate of Public Good (“CPG”) issued to Deerfield Wind, LLC (“Deerfield”) on April 16, 2009 and revised on July 17, 2009 for the Deerfield Wind Project in Searsburg and Readsboro (“the Project”) includes the following condition relating to shadow flicker from the Project:

39. Shadow flicker from the Project shall be limited to the amount specified in exhibit DFLD-JZ-31. Deerfield shall file a protocol that it will implement in the event complaints are received that the Project is exceeding the allowable amount of shadow flicker (including, if appropriate, monitoring at the affected locations).

Exhibit DFLD-JZ-31, filed on July 3, 2008, contains maps depicting the cumulative number of hours of shadow flicker that were estimated to occur annually due to the Project. Deerfield prepared revised shadow flicker maps that depict predicted Project-related shadow flicker using the most current information available. See attached Exhibits A and B. Pursuant to the Vermont Public Utility Commission’s Order dated November 30, 2017, these maps replace Exhibit DFLD-JZ-31. In addition, Deerfield prepared a table of predicted shadow flicker occurrence at nearby residences, in order to provide a basis for evaluating the occurrence and duration of shadow flicker at specific locations. See attached Exhibit C.

Deerfield notes that members of the public may bring CPG complaints to the Department of Public Service (“DPS”) through DPS’s CPG Complaint Protocol,¹ and will cooperate with investigations launched by either DPS or the Public Utility Commission (“PUC”), and will perform its reporting responsibilities as outlined in the CPG Complaint Protocol. In addition, Deerfield will implement the following protocol after commencement of Project operations to address any complaints that shadow flicker from the Project is occurring at a residence in an amount that exceeds the annual estimates shown in Exhibit DFLD-JZ-31:

1. Deerfield shall provide to the Department of Public Service, the Public Utility Commission, ~~and the town clerks of the towns of Searsburg and Readsboro,~~ and the residents listed in the attached table labeled "Exhibit C" the contact information that complainants can use to notify Deerfield of a shadow flicker complaint. Complainants should be provided a telephone number as well as an address to file a written complaint ~~a phone number utilized by Deerfield that complainants can call.~~

¹ Protocol for Handling Complaints about a Violation of the Terms and Conditions of a Certificate of Public Good (Dec. 28, 2016), available at <http://publicservice.vermont.gov/cpg-complaint-protocol>.

2. Within 3 business days of receiving a complaint regarding shadow flicker at a residence, Deerfield will provide an initial acknowledgement to the complainant. Complainants will be asked to provide Deerfield with the following information related to the complaint:
 - a. Location of the observed flicker;
 - b. Times, dates, and duration of the flicker; and
 - c. Weather or other environmental conditions.

Complainants shall be requested to video record the occurrence of shadow flicker within and outside their home as necessary to document the locations where shadow flicker is occurring that the complainant deems problematic.

3. Within 14 days after receiving the requested information from the complainant, Deerfield will file a recommendation with the PUC (with copies to the DPS and complainant) as to whether the observed shadow flicker appears to be consistent with the estimated cumulative hours of shadow flicker on a yearly basis that are depicted in ~~Exhibit DFLD-JZ-34~~ the attached exhibits, and whether further investigation at the affected location should be required. To the extent required by the PUC, Deerfield shall perform such investigation and report the results to the PUC, DPS, and affected property owner within 30 days after its completion. Deerfield's recommendation to the Commission regarding whether a violation of the Amended CPG has occurred will include an analysis of the predicted shadow flicker limits for the complainant location as listed in the attached table labeled Exhibit C, or in the attached figures labeled Exhibits A and B if at a location not included in the table, the time(s) of year when the shadow flicker was observed, and best available information regarding the elevations and landcover types located between the Project and the complainant location.
4. Based upon the results of any investigation conducted, should the PUC determine that shadow flicker at the residence in question exceeds the amounts estimated in ~~Exhibit DFLD-JZ-34~~ the attached exhibits, Deerfield shall file a proposed mitigation plan with the PUC within 30 days of the PUC's order, with copies provided to the DPS and the affected property owner.
5. Deerfield shall not be required to perform a shadow flicker investigation in response to a complaint from the same occupant at any residence where it has previously performed such investigation under this Protocol if Deerfield can demonstrate that there has been no material change in circumstance warranting an additional investigation.

Deerfield Wind Project — Shadow Flicker Complaint Protocol

Final Version, December 7, 2017

The Certificate of Public Good (“CPG”) issued to Deerfield Wind, LLC (“Deerfield”) on April 16, 2009 and revised on July 17, 2009 for the Deerfield Wind Project in Searsburg and Readsboro (“the Project”) includes the following condition relating to shadow flicker from the Project:

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Deerfield notes that members of the public may bring CPG complaints to the Department of Public Service (“DPS”) through DPS’s CPG Complaint Protocol,¹ and will cooperate with investigations launched by either DPS or the Public Utility Commission (“PUC”), and will perform its reporting responsibilities as outlined in the CPG Complaint Protocol. In addition, Deerfield will implement the following protocol after commencement of Project operations to address any complaints that shadow flicker from the Project is occurring at a residence in an amount that exceeds the annual estimates shown in Exhibit DFLD-JZ-31:

1. Deerfield shall provide to the Department of Public Service, the Public Utility Commission, the town clerks of the towns of Searsburg and Readsboro, and the residents listed in the attached table labeled "Exhibit C" the contact information that complainants can use to notify Deerfield of a shadow flicker complaint. Complainants should be provided a telephone number as well as an address to file a written complaint.
2. Within 3 business days of receiving a complaint regarding shadow flicker at a residence, Deerfield will provide an initial acknowledgement to the complainant. Complainants will be asked to provide Deerfield with the following information related to the complaint:

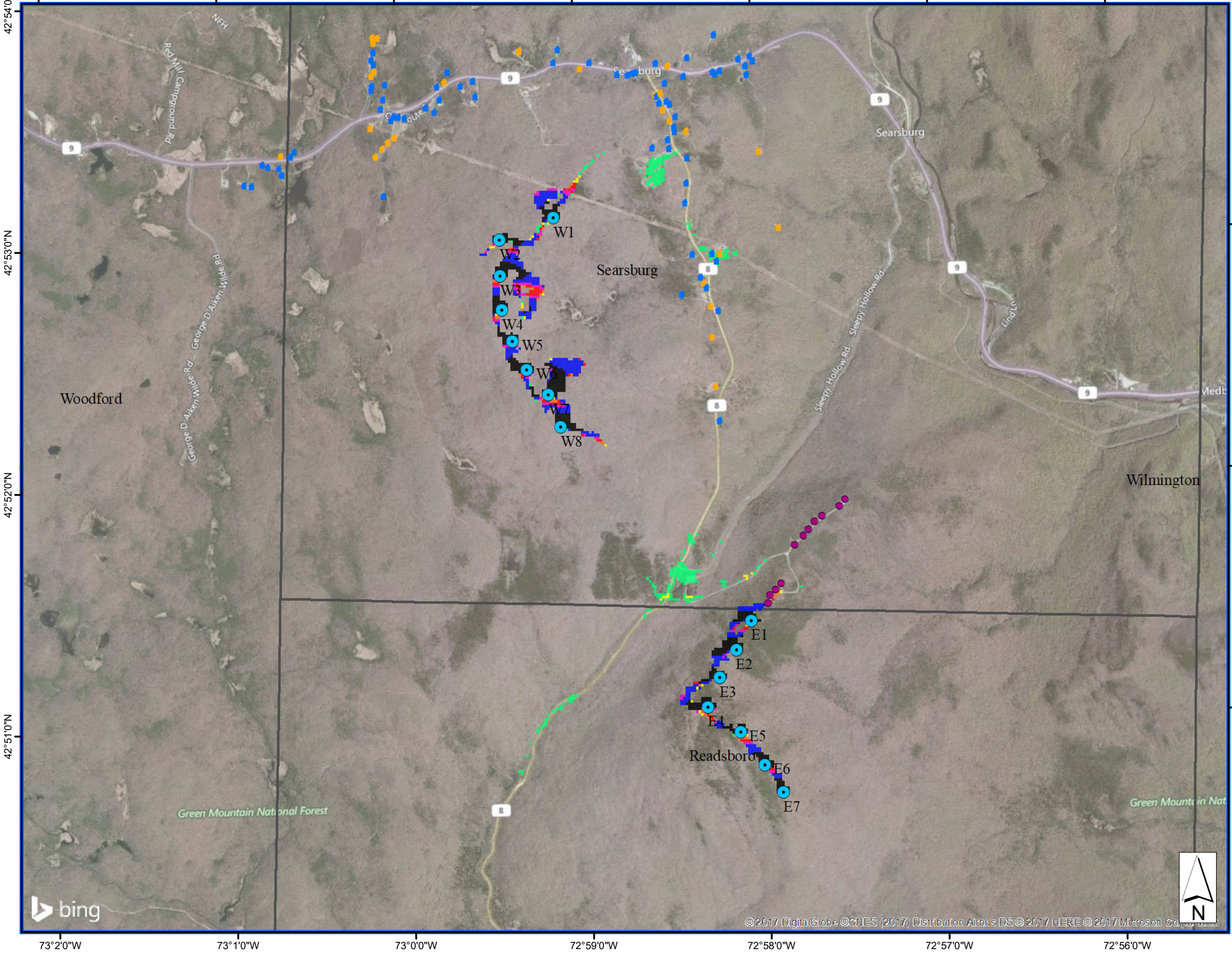
¹ Protocol for Handling Complaints about a Violation of the Terms and Conditions of a Certificate of Public Good (Dec. 28, 2016), available at <http://publicservice.vermont.gov/cpg-complaint-protocol>.

- a. Location of the observed flicker;
- b. Times, dates, and duration of the flicker; and
- c. Weather or other environmental conditions.

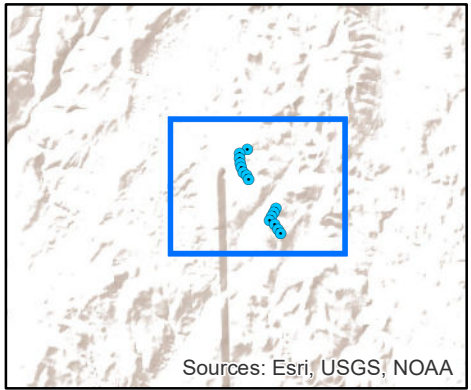
Complainants shall be requested to video record the occurrence of shadow flicker within and outside their home as necessary to document the locations where shadow flicker is occurring that the complainant deems problematic.

3. Within 14 days after receiving the requested information from the complainant, Deerfield will file a recommendation with the PUC (with copies to the DPS and complainant) as to whether the observed shadow flicker appears to be consistent with the estimated cumulative hours of shadow flicker on a yearly basis that are depicted in the attached exhibits, and whether further investigation at the affected location should be required. To the extent required by the PUC, Deerfield shall perform such investigation and report the results to the PUC, DPS, and affected property owner within 30 days after its completion. Deerfield's recommendation to the Commission regarding whether a violation of the Amended CPG has occurred will include an analysis of the predicted shadow flicker limits for the complainant location as listed in the attached table labeled Exhibit C, or in the attached figures labeled Exhibits A and B if at a location not included in the table, the time(s) of year when the shadow flicker was observed, and best available information regarding the elevations and landcover types located between the Project and the complainant location.
4. Based upon the results of any investigation conducted, should the PUC determine that shadow flicker at the residence in question exceeds the amounts estimated in the attached exhibits, Deerfield shall file a proposed mitigation plan with the PUC within 30 days of the PUC's order, with copies provided to the DPS and the affected property owner.
5. Deerfield shall not be required to perform a shadow flicker investigation in response to a complaint from the same occupant at any residence where it has previously performed such investigation under this Protocol if Deerfield can demonstrate that there has been no material change in circumstance warranting an additional investigation.

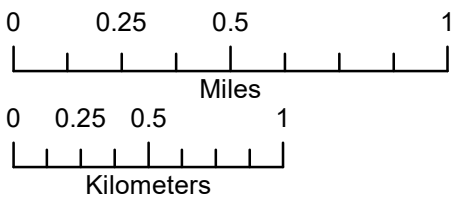
Exhibit A



Deerfield Wind Project
Searsburg/Readsboro, Vermont
Updated Shadow Flicker
Modeling (11/1/17)
VEGETATION CONSIDERED

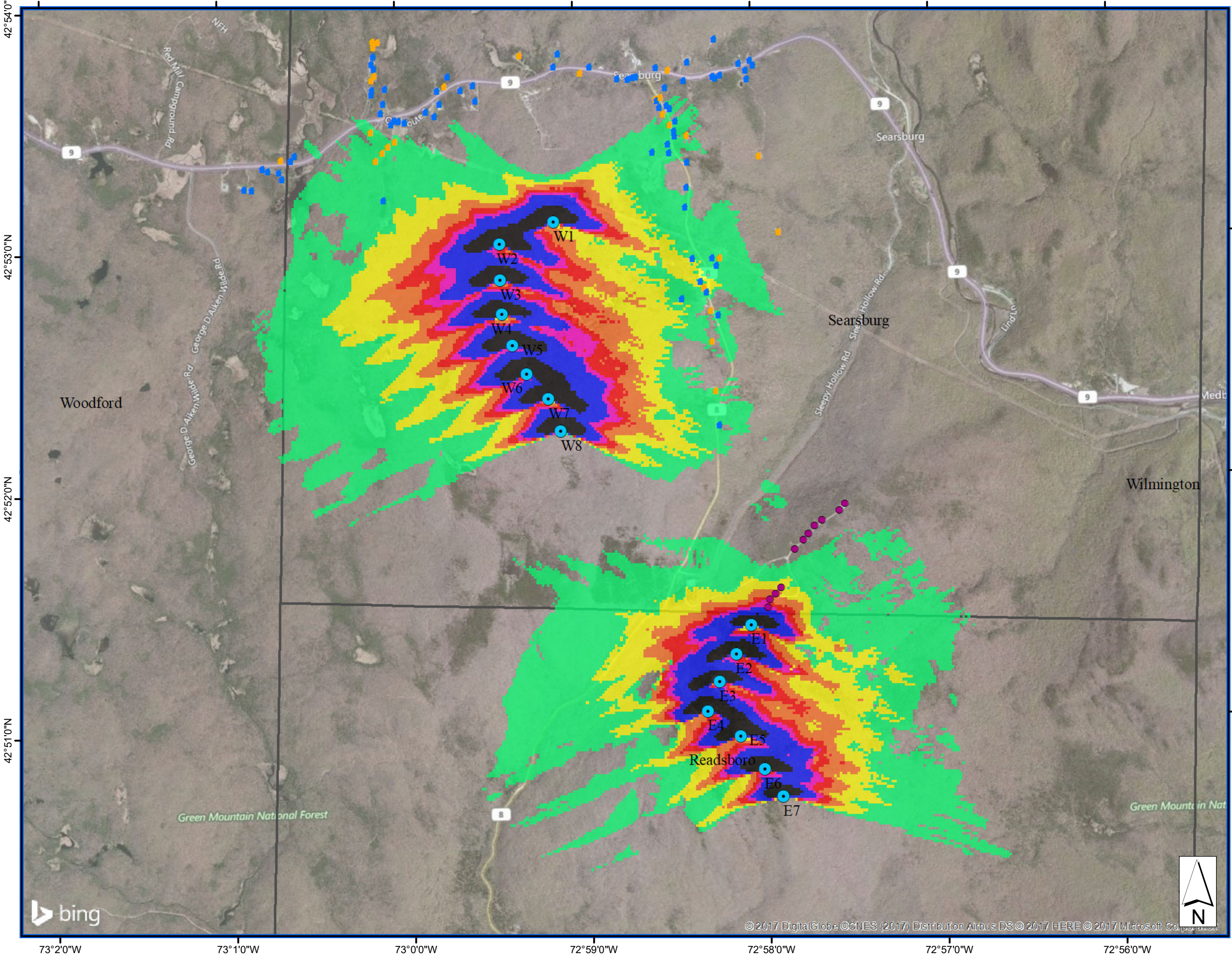


- Legend**
- New Wind Turbines
 - Existing Wind Turbines
 - Residence (Seasonal)
 - Residence (Year-round)
- Cumulative Shadow Flicker**
- 0-10 hrs/yr
 - 10-20 hrs/yr
 - 20-30 hrs/yr
 - 30-40 hrs/yr
 - 40-50 hrs/yr
 - 50-100 hrs/yr
 - >100 hrs/yr
 - Town Boundary, VCGI

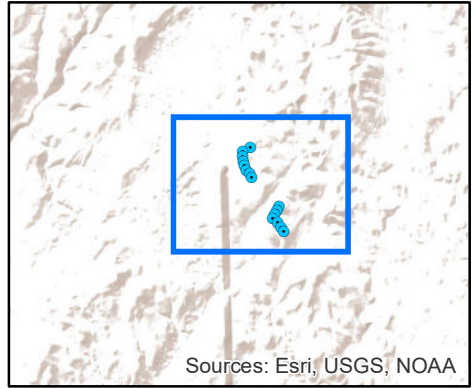


Data Sources: USGS topographic basemap provided by ESRI. E911 residence locations provided by VCGI online. Expected cumulative annual shadow flicker hours calculated using WindPRO. Project details provided by Deerfield Wind, LLC.

Exhibit B



Deerfield Wind Project
Searsburg/Readsboro, Vermont
Updated Shadow Flicker
Modeling (11/1/17)
NO VEGETATION ASSUMED

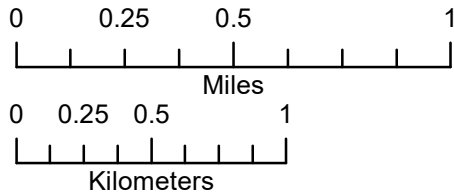


Legend

- New Wind Turbines
- Existing Wind Turbines
- ★ Residence (Seasonal)
- ★ Residence (Year-round)

Cumulative Shadow Flicker

- 0-10 hrs/yr
- 10-20 hrs/yr
- 20-30 hrs/yr
- 30-40 hrs/yr
- 40-50 hrs/yr
- 50-100 hrs/yr
- > 100 hrs/yr
- ▬ Town Boundary, VCGI



Data Sources: USGS topographic basemap provided by ESRI. E911 residence locations provided by VCGI online. Expected cumulative annual shadow flicker hours calculated using WindPRO. Project details provided by Deerfield Wind, LLC.

Prepared for:
Deerfield Wind, LLC
20171101rd



EXHIBIT C

Exhibit C – 2017 Updated Shadow Flicker Analysis by Residence as Reflected in Exhibits A and B (Calculated total shadow flicker hours per year)						
2017 Vermont E911 Address ¹	Vegetation Considered	No Vegetation Assumed	Town	Residence Type	Latitude	Longitude
6 OLD ROUTE 9	0	0-10	SEARSBURG	YEAR-ROUND	42.893241	-72.996033
18 OLD ROUTE 9	0	0-10	SEARSBURG	YEAR-ROUND	42.892715	-72.99736
16 OLD ROUTE 9	0	0-10	SEARSBURG	YEAR-ROUND	42.89239	-72.99655
56 OLD ROUTE 9	0-10	0-10	SEARSBURG	YEAR-ROUND	42.892176	-73.000305
54 OLD ROUTE 9	0-10	0-10	SEARSBURG	YEAR-ROUND	42.89209	-72.999942
48 OLD ROUTE 9	0	0-10	SEARSBURG	YEAR-ROUND	42.892014	-72.999314
70 OLD ROUTE 9	0	0-10	SEARSBURG	SEASONAL	42.891404	-73.002536
21 PUTNAM RD	0	0-10	SEARSBURG	YEAR-ROUND	42.889591	-72.976204
18 HAGER LN	0-10	10-20	SEARSBURG	YEAR-ROUND	42.882186	-72.970787
19 HAGER LN	0-10	10-20	SEARSBURG	SEASONAL	42.882175	-72.970126
11 HAGER LN	0-10	10-20	SEARSBURG	YEAR-ROUND	42.88169	-72.970407
65 RAKE BRANCH TRL	0	0-10	SEARSBURG	YEAR-ROUND	42.896085	-73.002323
61 RAKE BRANCH TRL	0	0-10	SEARSBURG	YEAR-ROUND	42.895718	-73.002108
55 RAKE BRANCH TRL	0	0-10	SEARSBURG	SEASONAL	42.895273	-73.002092
47 RAKE BRANCH TRL	0	0-10	SEARSBURG	SEASONAL	42.894958	-73.002383
39 RAKE BRANCH TRL	0	0-10	SEARSBURG	YEAR-ROUND	42.894291	-73.00235
33 RAKE BRANCH TRL	0	0-10	SEARSBURG	YEAR-ROUND	42.893991	-73.002414
66 RAKE BRANCH TRL	0	0	SEARSBURG	SEASONAL	42.897237	-73.002114
68 RAKE BRANCH TRL	0	0	SEARSBURG	SEASONAL	42.897567	-73.001703
70 RAKE BRANCH TRL	0	0	SEARSBURG	SEASONAL	42.897634	-73.002159
72 RAKE BRANCH TRL	0	0-10	SEARSBURG	YEAR-ROUND	42.896573	-73.002133
20 BISHOP RD	0	0-10	SEARSBURG	SEASONAL	42.890709	-73.000323
27 BISHOP RD	0	0-10	SEARSBURG	SEASONAL	42.890358	-73.000969
35 BISHOP RD	0	0-10	SEARSBURG	SEASONAL	42.889946	-73.001511
43 BISHOP RD	0	0-10	SEARSBURG	SEASONAL	42.889412	-73.002159
26 VT ROUTE 8	0	0	SEARSBURG	YEAR-ROUND	42.89402	-72.974897
1675 VT ROUTE 9 W	0	0	SEARSBURG	SEASONAL	42.894435	-72.995562
1638 VT ROUTE 9 W	0	0	SEARSBURG	YEAR-ROUND	42.893395	-72.992698
72 VT ROUTE 8	0	0-10	SEARSBURG	SEASONAL	42.890712	-72.972965
1459 VT ROUTE 9 W	0	0	SEARSBURG	YEAR-ROUND	42.895416	-72.975688
1488 VT ROUTE 9 W	0	0	SEARSBURG	YEAR-ROUND	42.894622	-72.978344
343 VT ROUTE 8	0	0-10	SEARSBURG	SEASONAL	42.873018	-72.970768
85 VT ROUTE 8	0	0-10	SEARSBURG	YEAR-ROUND	42.889514	-72.974646
1534 VT ROUTE 9 W	0	0	SEARSBURG	SEASONAL	42.89516	-72.982813
100 VT ROUTE 8	0	0-10	SEARSBURG	YEAR-ROUND	42.88888	-72.972946

¹ The shadow flicker modeling for all residences defined each of their locations using coordinates. This includes residences with E911 addresses that have no street number (shown in table as “0”).

EXHIBIT C

Exhibit C – 2017 Updated Shadow Flicker Analysis by Residence as Reflected in Exhibits A and B (Calculated total shadow flicker hours per year)						
2017 Vermont E911 Address ¹	Vegetation Considered	No Vegetation Assumed	Town	Residence Type	Latitude	Longitude
1595 VT ROUTE 9 W	0	0	SEARSBURG	SEASONAL	42.896414	-72.988452
1677 VT ROUTE 9 W	0	0	SEARSBURG	YEAR-ROUND	42.894144	-72.996265
42 VT ROUTE 8	0	0-10	SEARSBURG	YEAR-ROUND	42.892574	-72.974487
1498 VT ROUTE 9 W	0	0	SEARSBURG	YEAR-ROUND	42.894676	-72.979324
36 VT ROUTE 8	0	0-10	SEARSBURG	YEAR-ROUND	42.892768	-72.97476
54 VT ROUTE 8	0	0-10	SEARSBURG	YEAR-ROUND	42.891712	-72.973991
1527 VT ROUTE 9 W	0	0	SEARSBURG	YEAR-ROUND	42.895536	-72.981943
1435 VT ROUTE 9 W	0	0	SEARSBURG	YEAR-ROUND	42.895717	-72.972715
1482 VT ROUTE 9 W	0	0	SEARSBURG	YEAR-ROUND	42.894763	-72.977907
1396 VT ROUTE 9 W	0	0-10	SEARSBURG	YEAR-ROUND	42.894554	-72.970183
1660 VT ROUTE 9 W	0	0	SEARSBURG	YEAR-ROUND	42.894158	-72.994016
233 VT ROUTE 8	0	10-20	SEARSBURG	SEASONAL	42.880179	-72.971599
1358 VT ROUTE 9 W	0-10	0-10	SEARSBURG	YEAR-ROUND	42.895401	-72.966576
1368 VT ROUTE 9 W	0	0-10	SEARSBURG	YEAR-ROUND	42.895061	-72.967316
64 VT ROUTE 8	0	0-10	SEARSBURG	YEAR-ROUND	42.89101	-72.974083
1646 VT ROUTE 9 W	0	0	SEARSBURG	YEAR-ROUND	42.894478	-72.992859
253 VT ROUTE 8	0	0	SEARSBURG	SEASONAL	42.878578	-72.971031
25 VT ROUTE 8	0	0	SEARSBURG	SEASONAL	42.89322	-72.975806
70 VT ROUTE 8	0	0-10	SEARSBURG	YEAR-ROUND	42.890663	-72.974075
1371 VT ROUTE 9 W	0-10	0-10	SEARSBURG	YEAR-ROUND	42.895566	-72.967894
79 VT ROUTE 8	0	0-10	SEARSBURG	YEAR-ROUND	42.890115	-72.974746
376 VT ROUTE 8	0	10-20	SEARSBURG	YEAR-ROUND	42.870674	-72.970505
1401 VT ROUTE 9 W	0	0	SEARSBURG	YEAR-ROUND	42.897278	-72.970169
1447 VT ROUTE 9 W	0	0	SEARSBURG	SEASONAL	42.895196	-72.974557
1370 VT ROUTE 9 W	0	0-10	SEARSBURG	YEAR-ROUND	42.894479	-72.967187
29 VT ROUTE 8	0	0-10	SEARSBURG	YEAR-ROUND	42.89312	-72.975639
35 VT ROUTE 8	0	0-10	SEARSBURG	YEAR-ROUND	42.892647	-72.975433
197 VT ROUTE 8	0	10-20	SEARSBURG	YEAR-ROUND	42.882175	-72.972639
1803 VT ROUTE 9 W	0	0-10	SEARSBURG	YEAR-ROUND	42.89269	-73.001577
231 VT ROUTE 8	0	10-20	SEARSBURG	YEAR-ROUND	42.880608	-72.971958
1394 VT ROUTE 9 W	0	0-10	SEARSBURG	YEAR-ROUND	42.894797	-72.969714
57 VT ROUTE 8	0	0-10	SEARSBURG	SEASONAL	42.891445	-72.974525
1549 VT ROUTE 9 W	0	0	SEARSBURG	YEAR-ROUND	42.896518	-72.984838
237 VT ROUTE 8	0	10-20	SEARSBURG	YEAR-ROUND	42.879874	-72.971423
1561 VT ROUTE 9 W	0	0	SEARSBURG	YEAR-ROUND	42.89563	-72.985254
1478 VT ROUTE 9 W	0	0	SEARSBURG	YEAR-ROUND	42.894779	-72.977579
1428 VT ROUTE 9 W	0	0-10	SEARSBURG	YEAR-ROUND	42.894436	-72.973116
45 VT ROUTE 8	0	0-10	SEARSBURG	SEASONAL	42.892166	-72.975098

EXHIBIT C

Exhibit C – 2017 Updated Shadow Flicker Analysis by Residence as Reflected in Exhibits A and B (Calculated total shadow flicker hours per year)						
2017 Vermont E911 Address ¹	Vegetation Considered	No Vegetation Assumed	Town	Residence Type	Latitude	Longitude
1799 VT ROUTE 9 W	0	0-10	SEARSBURG	YEAR-ROUND	42.894345	-73.001121
33 BOND BROOK WAY	0	10-20	SEARSBURG	YEAR-ROUND	42.879421	-72.97374
1398 VT ROUTE 9 W	0	0-10	SEARSBURG	YEAR-ROUND	42.894687	-72.97037
1845 VT ROUTE 9 W	0	0-10	SEARSBURG	YEAR-ROUND	42.889903	-73.009713
1667 VT ROUTE 9 W	0	0	SEARSBURG	YEAR-ROUND	42.895084	-72.995255
1801 VT ROUTE 9 W	0	0-10	SEARSBURG	YEAR-ROUND	42.893327	-73.001342
260 VT ROUTE 8	0	0-10	SEARSBURG	YEAR-ROUND	42.878258	-72.970347
1849 VT ROUTE 9 W	0-10	0-10	SEARSBURG	YEAR-ROUND	42.889541	-73.010122
0 BISHOP RD	0	10-20	SEARSBURG	YEAR-ROUND	42.886684	-73.001462
0 VT ROUTE 8	0	0	SEARSBURG	SEASONAL	42.883904	-72.964538
5 BISHOP RD	0-10	0-10	SEARSBURG	YEAR-ROUND	42.891901	-73.000593
149 VT ROUTE 8	0	0-10	SEARSBURG	YEAR-ROUND	42.885757	-72.973236
125 VT ROUTE 8	0	0-10	SEARSBURG	YEAR-ROUND	42.887122	-72.973091
0 VT ROUTE 9 W	0	0-10	SEARSBURG	SEASONAL	42.889165	-72.966198
0 VT ROUTE 8	0	0-10	SEARSBURG	SEASONAL	42.876436	-72.970968
30 VT ROUTE 8	0	0-10	SEARSBURG	SEASONAL	42.893362	-72.975328
1367 VT ROUTE 9 W	0-10	0-10	SEARSBURG	YEAR-ROUND	42.89576	-72.966873
14 TOWN LINE RD	0	0-10	WOODFORD	YEAR-ROUND	42.888845	-73.012286
67 TOWN LINE RD	0-10	0-10	WOODFORD	YEAR-ROUND	42.888784	-73.011224
96 TOWN LINE RD	0	0-10	WOODFORD	YEAR-ROUND	42.888277	-73.010943
9376 VT ROUTE 9	0	0-10	WOODFORD	YEAR-ROUND	42.88757	-73.013837
9378 VT ROUTE 9	0	0-10	WOODFORD	YEAR-ROUND	42.887629	-73.014526
9442 VT ROUTE 9	0-10	0-10	WOODFORD	YEAR-ROUND	42.889053	-73.012809
9533 VT ROUTE 9	0-10	0-10	WOODFORD	SEASONAL	42.889601	-73.011026