EXHIBIT 17

SHADOW FLICKER STUDY AS REQUIRED UNDER SECTION 9.6(H)(1)(o)(1)

Section 9.6(H)(1)(o) Any application for a Special Use Permit pursuant to this Section shall include the following studies:

(1) Shadow Flicker: The applicant shall conduct a study on potential shadow flicker. The study shall identify locations where shadow flicker will be caused by the IWTs and the expected durations of the flicker at these locations. The study shall identify areas where shadow flicker may interfere with residences and describe measures that shall be taken to eliminate or mitigate the problems.

Response: See the Shadow Flicker Report attached as Exhibit 17-A, which complies with this Section. The shadow flicker study prepared for the Special Use Permit application was conducted in October 2008 by EAPC Wind Energy Services, LLC (EAPC). The study utilized wind data from September 1, 2001 through November 30, 2002. The wind data was collected from a meteorological tower located along Emerson Road in the vicinity of WTG 13.

One parameter in the shadow modeling is the probability of sun shine. As defined for the WindPRO software, sunshine probability is the part of time (measured in percentage) from sun rise to sun set with sunshine. A decision was made by (EAPC) to use a conservative sunshine probability factor (approximately 73%) with the WindPro modeling software. The percentage used in the modeling was more conservative than the available data published for sunshine probability for Binghamton, NY (49%), Buffalo NY (48%), or Rochester, NY (51%). The sunshine data is published by the Northeast Regional Climate Center at Cornell University; last updated 5/26/2000, and available at: http://www.nrcc.cornell.edu/ccd/pctpos98.html .

Additionally, see Exhibit 17-B, which states that the average annual sunshine probability is around 48%, while the original figures used in the study showed sunshine probability at around 73%.

See also Exhibit 17-C, which is a wind rose depicting the intensity of the wind as measured at the Emerson Road Tower, averaged over 5 years. Finally, attached as Exhibit 17-D are additional data tables from the Emerson Road meteorological tower. These tables show the daily hours and percentages of time when the wind speed is greater than 4 m/s (turbine operating times) as well as for the sun rise (6:00 am – 10:00 am) and sun set (4:00 pm – 7:00 pm) periods.

Also, for the Board's convenience, the conclusion of the Shadow Flicker Report is repeated here:

Conclusion:

"The results of the shadow analysis are based on several highly conservative assumptions, including:

- A human would always be present at the receptor to observe the effect;
- A human would be situated in an area where the flicker occurs; and
- Ability to discern between shadow flicker from trees and wind turbine blades.

EAPC Wind was able to predict the potential annual shadow flicker hours at all non-participating receptors within 2,000 feet of a wind turbine. The results show a range of 2.6 to 18.3 hours per year of potential impact, or 7.9 hours on average of potential annual impact per receptor. This amounts to a potential average impact of less than 2 minutes per day, which is a minimal exposure. Eight of the nine receptors had no potential shadow flicker impact during summer months, given the presence of intervening forestry.

Seasonal residential receptors average 6.7 hours per year of shadow flicker, equating to roughly 66 seconds per day.

The large presence of seasonal cabins as receptors (eight of nine) further decreases the probability of a resident observing the effects from shadow flicker.

In short, for all the reasons set forth in this report, the potential shadow flicker impact from this proposed Project is so minimal as to be insignificant."