

**UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION**

<b>Nature and People First Arizona PHS, LLC</b>	) ) )	<b>Project No. 15235-000</b>
---	-------------	------------------------------

**MOTION TO INTERVENE AND COMMENTS  
OF THE  
NAVAJO TRIBAL UTILITY AUTHORITY**

The Navajo Tribal Utility Authority (“NTUA”), by and through the undersigned counsel, submits this Motion to Intervene and Comments (“Motion”) in the above-referenced docket, which concerns the application for a preliminary permit (“Application”) submitted by Nature and People First Arizona PHS, LLC (“NFPA”), proposing to study the feasibility of the Black Mesa Pumped Storage Project South to be located in Navajo and Apache Counties, Arizona.

In support hereof, NTUA states as follows:

**I. PRELIMINARY STATEMENT**

This Motion is submitted pursuant to Rules 212 and 214 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (“Commission”), 18 C.F.R. §§ 385.212 and 385.214 (2021), and the Commission’s November 1, 2022 “Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions to Intervene, and Competing Applications” (“Notice”).

The names and addresses of persons upon whom service of pleadings, documents or communications in this proceeding should be made are designated as follows, pursuant to Rule 203, 18 C.F.R. § 385.203. NTUA requests, to the extent that the Commission

deems necessary, waiver of Rule 203(b)(3), 18 C.F.R. § 385.203(b)(3), to allow more than two persons to be listed on the Commission's service list in this proceeding.

Walter W. Haase, P.E.,  
General Manager  
Navajo Tribal Utility Authority  
P.O. Box 170  
Ft. Defiance, AZ 86504  
(928) 729-6202 (telephone)

walterh@ntua.com

Jeffrey C. Genzer  
Peter J. Scanlon  
R. Keith Gordon  
Duncan, Weinberg, Genzer  
& Pembroke, P.C.  
1667 K Street, N.W.  
Suite 700  
Washington, D.C. 20006  
(202) 467-6370 (telephone)  
(202) 467-6379 (facsimile)

jcg@dwgp.com  
pjs@dwgp.com  
rkg@dwgp.com

Sean M. Neal  
Chad L. Oliver  
Duncan, Weinberg, Genzer  
& Pembroke, P.C.  
915 L Street  
Suite 1410  
Sacramento, CA 95814  
(916) 498-0121 (telephone)  
(916) 498-9975 (facsimile)

smn@dwgp.com  
clo@dwgp.com

Arash N. Moalemi  
Deputy General Manager  
NTUA Generation, Inc. ("NGI")  
P.O. Box 170  
Ft. Defiance, AZ 86504-0170  
(928) 729-6126 (telephone)

arashm@ntua.com

C/O NTUA Legal Department  
Navajo Tribal Utility Authority  
P.O. Box 170  
Ft. Defiance, AZ 86504-0170  
(928) 729-6202 (telephone)

Legaldepartment@ntua.com

## **II. DESCRIPTION OF THE PARTIES**

NTUA is an enterprise of the Navajo Nation, a federally recognized Native American Tribe. NTUA is organized under the laws of the Navajo Nation. NTUA provides for the operation, maintenance, and expansion of electric, communications, natural gas, water, wastewater, and generation services for the Navajo people. NTUA serves a population of approximately 150,000 spread across the Navajo Nation, an area of about 27,000 square miles that encompasses a large part of the state of Arizona and portions of Utah and New Mexico. NTUA's service territory is remote, and NTUA serves its population from its own transmission and distribution systems.

NTUA's headquarters are located in Fort Defiance, Arizona. Because of the vast size of NTUA's service territory, NTUA also maintains district offices throughout the Navajo Reservation, including (in Arizona) at Kayenta, Tuba City, Chinle, Red Mesa, and Dilkon, and (in New Mexico) at Shiprock and Crownpoint. To meet the energy needs of its customers, NTUA relies on both its own generation resources and transmission service from various surrounding utilities, including Arizona Public Service Company, Public Service Company of New Mexico, and Tucson Electric Power Company.

Nature and People First Arizona PHS, LLC ("NPFA") is an energy development company affiliated with Nature & People First ("NPF"), a business concern with companies organized in Lexington, Massachusetts and Paris, France. NPF has worked toward the development of energy storage resources, including pumped hydroelectric resources.

### **III. BACKGROUND**

On October 5, 2021, NPFA tendered for filing an Application for Preliminary Permit (“Application”) proposing to study the feasibility of the Black Mesa Pumped Storage Project South (“Project”), which NPFA proposes to locate in Navajo and Apache Counties, Arizona. The Project as proposed would consist of three turbine-generator units, each with a total rated capacity of 2,250 MW, which would connect to the existing San Juan substation. In its Notice, issued on November 1, 2022, the Commission established January 3, 2023, as the comment date in this proceeding. Accordingly, this Motion is timely filed, in accordance with the Commission’s Notice.

### **IV. MOTION TO INTERVENE**

As noted above, NFPA’s proposed Project would be located in the area served by NTUA. The construction, development, and operation of the Project will affect NTUA’s customers who may reside near the proposed Project or who may use the area planned for the Project for agricultural, grazing, cultural, or commercial purposes. The interconnection of the project may impact the costs and operations of NTUA’s electric system, and NTUA has an interest in ensuring that any interconnection does not adversely affect the costs to or reliability of NTUA’s electric system.

NTUA claims an interest in this proceeding and a right to intervene to protect its interests as they may appear. NTUA’s participation in this proceeding is necessary and appropriate to the administration of the Federal Power Act and will be in the public interest. NTUA’s interests will be directly affected by the proceeding and will not be adequately represented by any other party. Therefore, NTUA respectfully requests that

the Commission grant this Motion to Intervene and to make NTUA a party to this proceeding for all purposes.

**V. COMMENTS**

NTUA is committed to providing safe, reliable, and affordable utility services to its customers. Despite substantial progress in recent years, thousands of homes on the Navajo Nation still lack access to electricity and other basic services. Accordingly, NTUA recognizes the wide range of benefits that can flow from environmentally, economically, and culturally responsible energy development on and around Navajo land, including the creation of well-paying, local jobs for Navajo residents. Furthermore, projects aligned with equitable values can benefit local communities while minimizing pollution and other negative externalities.

NPFA intends to develop the Project in the area served by NTUA. NTUA and NPFA have communicated with each other regarding the Project, and NTUA is continuing to learn about NPFA's proposal. NTUA has not yet formed a position for purposes of this proceeding with regard to NPFA's proposal. However, NTUA looks forward to robust cooperation, communication, and transparency with NPFA as NPFA pursues its application before the Commission. NTUA reserves all rights to posit and address any issue that it or others may identify or raise herein and to take any position in this proceeding as it evolves.

**VI. CONCLUSION**

For the foregoing reasons, the Navajo Tribal Utility Authority respectfully requests that the Commission grant the following relief:

1. Grant NTUA's motion to intervene in this proceeding and make NTUA a party for all purposes;

2. Consider the above comments as the Commission evaluates the relief requested in this proceeding; and
3. Grant such other and further relief as the Commission may deem just and appropriate.

Dated: January 3, 2023

Respectfully submitted,

/s/ Sean M. Neal  
Sean M. Neal  
Chad L. Oliver  
Duncan, Weinberg, Genzer &  
Pembroke, P.C.  
915 L Street,  
Suite 1410  
Sacramento, CA 95814  
(916) 498-0121  
(916) 498-9975 (facsimile)

Jeffrey C. Genzer  
Peter J. Scanlon  
R. Keith Gordon  
Duncan, Weinberg, Genzer  
& Pembroke, P.C.  
1667 K Street, NW, Suite 700  
Washington, D.C. 20006  
(202) 467-6370  
(202) 467-6379 (facsimile)

Attorneys for Navajo Tribal Utility  
Authority

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this docket, by electronic mail or U.S. Mail, as appropriate.

Dated at Washington, D.C., this 3rd day of January, 2023.

/s/ Harry A. Dupre  
Harry A. Dupre  
Duncan, Weinberg, Genzer &  
Pembroke, P.C.  
1667 K Street, N.W.  
Suite 700  
Washington, D.C. 20006  
(202) 467-6370 (telephone)  
(202) 467-6379 (facsimile)