

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

**COX COMMUNICATIONS LAS VEGAS,
INC.,**

Complainant,

v.

NV ENERGY, INC.,

Respondent.

**Proceeding No. 14-267
File No. EB-14-MD-017**

NV ENERGY, INC.'S CONSENT MOTION TO SUBSTITUTE

NV Energy, Inc. ("NV Energy") submits this Consent Motion to Substitute pages 40-41 and 14-15 of NV Energy's Response to Cox Communications Las Vegas, Inc.'s ("Cox") Pole Attachment Complaint as well as page 2 of the Declaration of Patricia Ortwein and Exhibit A of the Declaration of Tania Jarquin. In support of this Motion, NV Energy's states as follows:

1. On January 30, 2015, NV Energy submitted its Response to Cox's Pole Attachment Complaint in the above-referenced matter. In support of NV Energy's Response, both Patricia Ortwein and Tania Jarquin executed Declarations. *See* Exhibits 2 and 4 to NV Energy's Response. NV Energy wishes to correct one statement in Ms. Ortwein's Declaration and the descriptive text associated with three photographs in Exhibit A to Ms. Jarquin's Declaration.

2. In paragraph 6 of Ms. Ortwein's Declaration (attached as Exhibit 2 to the Response) she stated:

For example, Zayo Group, LLC ("Zayo") submitted an application to attach to ten (10) NV Energy poles. These poles did not meet Grade B construction standards.

3. Upon further review, NV Energy has learned that Zayo's pole attachment application actually sought to attach to fourteen (14) poles, not ten. NV Energy wishes to substitute the revised Declaration of Patricia Ortwein to correct this misstatement. The revised version of paragraph 6 in Ms. Ortwein's Declaration states:

For example, Zayo Group, LLC ("Zayo") submitted an application to attach to fourteen (14) NV Energy poles. Ten of these poles did not meet Grade B construction standards.

4. An entire copy of Ms. Ortwein's revised Declaration is attached as Exhibit 1 hereto. The remainder of the Declaration is unchanged from the version filed on January 30, 2015.

5. In light of Ms. Ortwein's revised declaration, NV Energy also wishes to correct its Response on pages 40 and 41, which cite to Ms. Ortwein's Declaration. The revised version of pages 40 and 41 reads:

...For example, Zayo Group, LLC ("Zayo") submitted an application to attach to fourteen (14) NV Energy poles. Ten of these poles did not meet Grade B construction standards.

6. A copy of the revised versions of pages 40 and 41 is attached as Exhibit 2 hereto.

7. NV Energy also wishes to make a correction to Ms. Jarquin's Declaration (attached as Exhibit 4 to the Response). Exhibit A to Ms. Jarquin's Declaration includes three separate photographs with descriptive text. NV Energy wishes to correct the descriptive text in these three photographs as follows:

- a. The first photograph includes the title: "NVE North Pole Failure." NV Energy wishes to correct the title to read: "NV Energy North."
- b. The second photograph includes the title "NVE South." NV Energy wishes to correct the title to read: "NV Energy South."
- c. The third photograph includes the title "NVE South Pole Failure." NV Energy wishes to correct this title to read: "NV Energy South Pole Failure."

d. The third photograph includes the description: “Over-tensioning of telecom attachments and inadequate guying.” NV Energy wishes to correct this description to read: “Inadequate guying by attaching entities caused pole to break at telecom attachment level.”

8. An entire copy of Ms. Jarquin’s revised declaration is attached as Exhibit 3 hereto. The remainder of the Declaration is unchanged from the version filed on January 30, 2015.

9. In light of Ms. Jarquin’s revised Declaration, NV Energy’s also wishes to correct pages 14 and 15 of its Response, which cite to Ms. Jarquin’s Declaration and include copies of the above-referenced photographs.

10. A copy of the revised version of pages 14 and 15 of the Response is attached as Exhibit 4 hereto.

11. Counsel for NV Energy has conferred with counsel for Cox and Cox consents to this Motion to Substitute.

12. NV Energy requests the Commission grant this Consent Motion to Substitute and permit NV Energy to substitute pages 14-15 and 40-41 of the Response in place of those same pages originally filed on January 30, 2015. NV Energy also requests the Commission permit NV Energy to substitute the attached revised Declarations of Patricia Ortwein and Tania Jarquin.

Respectfully submitted this 3rd day of February, 2015.

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CERTIFICATE OF SERVICE

I hereby certify that on this the 3rd day of February 2015, I have served the foregoing **CONSENT MOTION TO SUBSTITUTE** upon the following in the manner indicated below:

VIA ECFS

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