

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) Application No. GD-3031
of Mercaris Corporation, Silver)
Spring, Maryland, seeking)
authority to operate as a grain) ORDER NUNC PRO TUNC
dealer pursuant to Neb. Rev.)
Stat. §75-903 (Reissue of 2016).)
) Entered: June 19, 2018

BY THE COMMISSION:

On February 14, 2018, Mercaris Corporation ("Applicant") filed an application seeking authority to operate as a Grain Dealer. An Order was entered by the Commission on May 30, 2018, granting the application. However, the Order incorrectly stated the license would expire April 30, 2019. The Order should have stated the license will expire March 31, 2019.

The Commission enters this order nunc pro tunc to correct this error.

The purpose of an order nunc pro tunc is to correct the record which has been made so that it will truly record the action taken which, thorough inadvertence or mistake, was not truly recorded.¹ Clerical errors may be corrected by an order nunc pro tunc, but not judicial errors.²

Title 291 Ch. 8 §003.02E of the Nebraska Administrative Code Grain Warehous Rules and Regulations states that Grain Dealer Licenses will expire on the following March 31, June 30, September 30, or December 31. The Order did not properly record the expiration date of the license. March 31, 2019 is the proper date because June 30, 2019, would create a license which is in effect longer than one year.

Based on the above, the Commission finds that an order nunc pro tunc should be entered to correct the error May 30, 2018, as follows:

1. In the fifth paragraph of the Order, strike "expires April 30, 2019." Replace that language with, "expires March 31, 2019."

O R D E R

¹ *Andrews v. Nebraska State Railway Commission*, 178 Neb. 799 (Neb. 1965).

² *Larson v. Bedke*, 211 Neb. 247 (Neb. 1982).

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

Application No. GD-3031

Page 2

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Commission Order of May 30, 2018, be corrected as determined above.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 19th day of June, 2018.

COMMISSIONERS CONCURRING:

Crystal Knodes

Frank E. Landis

Tim Schram

//s//Frank E. Landis

//s//Mary Ridder

NEBRASKA PUBLIC SERVICE COMMISSION

Mary Ridder

Chair

ATTEST:

Michelle HSE

Executive Director