

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska        ) Application No. 911-042.33  
Public Service Commission, on        )  
its own motion, seeking to        )  
administer funding for public        )  
safety answering points for the        )  
implementation and provision of        ) ORDER NUNC PRO TUNC  
Enhanced Wireless 911 service:        )  
City of Lincoln.                        )  
  )  
  )  
  ) Entered: May 22, 2012

BY THE COMMISSION:

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, through inadvertence or mistake, was not truly recorded. Interstate Printing Co. v. Dept. of Revenue, 236 Neb. 110, 459 N.W.2d 519 (1990). Clerical errors may be corrected by an order nunc pro tunc, but not judicial errors. Larson v. Bedke, 211 Neb. 247, 318 N.W.2d 253 (1982).

Upon review of the Commission's Order Approving Use of Funds and Approving Request for an Advance, In Part entered May 1, 2012, in Application No. 911-042.33, it has come to our attention that a clerical error was made. The Order calculates the appropriate amount of funding based on a wireless volume of 69%, while the actual wireless volume is 72%. Therefore, the Commission enters this order nunc pro tunc to correct the errors and amends the original order as follows.

1. Paragraph two is replaced with the following:

Therefore, Lincoln is requesting funding in the amount of **\$45,361.44** for the equipment and **\$3,970.80** for the maintenance, representing 72% of the total costs based upon wireless call volumes.

2. Paragraph four of the "Opinions and Findings" section is replaced with the following:

Based upon the above, the Commission finds that request for advance of funds for Lincoln should be approved in the amount of **\$45,361.44** for the equipment. Consistent with the allocation determined in Docket 911-019/PI-118, a deduction in the amount of

**\$756.02** shall be made from Lincoln's monthly allocation over a sixty-month period commencing once payment has been made from the fund.

3. Paragraph six of the "Opinions and Findings" section is replaced with the following:

Pursuant to Docket 911-019/PI-118, Lincoln is responsible for paying for the **\$3,970.80** for the maintenance attributable to the provision of wireless enhanced 911 service from its allocation as the equipment and software program established under the permanent funding mechanism does not contemplate advancing funds for maintenance agreements.

4. The order is replaced with the following:

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the request for the advance of funds for the City of Lincoln is hereby approved, in part, as set forth herein in the amount of **\$45,361.44**.

IT IS FURTHER ORDERED that the use of wireless funds for maintenance is also approved; however, no advance of funds will be made for the **\$3,970.80** in maintenance costs.

IT IS FINALLY ORDERED that a deduction in the amount of **\$756.02** shall be made from Lincoln's monthly allocation over a sixty-month period, commencing once payment has been made.

The foregoing changes replace the similar paragraphs in the May 1, 2012 order. All other terms and conditions of the prior order remain in full effect.

#### O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the May 1, 2012 order remains in effect as entered but is corrected as set forth herein.

MADE AND ENTERED at Lincoln, Nebraska, this 22<sup>nd</sup> day of May, 2012.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Deputy Director

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MADE AND ENTERED at Lincoln, Nebraska, this 22<sup>nd</sup> day of May, 2012.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Tim Schram*

*Gerald L. Up*

//s// Rod Johnson  
//s// Frank Landis

Chairman

*Rod Johnson*

ATTEST:

*John Burman*

Deputy Director