

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the matter of the application)
of GTE Sprint Communications)
Corporation, Washington, D.C.,)
for a Certificate of Public)
Convenience and Necessity to)
Offer Intercity Telecommunica-)
tions Services to the Public in)
the State of Nebraska.)

Application No. C-497

In the matter of the application)
of MCI Telecommunications)
Corporation, Washington, D.C.,)
for a Certificate of Public)
Convenience and Necessity)
to Provide Telecommunications)
Services and Request for)
Streamlined Regulation.)

Application No. C-552

ORDER NUNC PRO TUNC AND
ORDER PURSUANT TO MANDATE

Entered: August 26, 1986

OPINION AND FINDINGS

BY THE COMMISSION:

NUNC PRO TUNC

This Commission entered an order dated August 5, 1985, in the above-captioned matters. The first paragraph of the ordering section on page 7 of that order contained a typographical error. GTE Sprint Communications Corporation and MCI Telecommunications Corporation applied for certificates of public convenience and necessity to provide "intrastate" interLATA communications services. Both applicants were authorized to provide "interstate" interLATA communication service in the State of Nebraska. Obviously, this Commission has no jurisdiction over interstate telecommunication services. The error which occurred was the characterization of the interLATA service as "interstate" instead of "intrastate." This order shall therefore correct the typographical error which appeared in the previous order of the Commission and substitute the word, "intrastate" in lieu of "interstate" in the appropriate paragraph. This correction in the original order shall be nunc pro tunc.

ORDER VACATING PRIOR COMMISSION ORDER

By order dated August 5, 1985 the above-captioned applications were granted with certain obligations imposed on the applicants. Subsequent to the entry of an order, a timely appeal of the decision was filed with the Nebraska Supreme Court by both applicants. Only AT&T Communications of the Midwest, Inc. in addition to the Commission participated in the appeal. Briefs were submitted to the Nebraska Supreme Court on behalf of both applicants and the Commission. AT&T Communications of the Midwest, Inc. submitted no brief.

Settlement discussions were undertaken which resulted in the entry of a stipulation submitted to the court on May 30, 1986. The stipulation was executed by GTE Sprint Communications Corporation, MCI Telecommunications Corporation, AT&T Communications of the Midwest, Inc. and the office of the Attorney General on behalf of the Commission. The terms of the stipulation provided that paragraphs numbered 23 and 24 of the Commission's order dated August 5, 1985 in Application C-497 and C-552 should be vacated, and be without force or effect from the time the order was entered, and that the order remain in full force

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and effect in all other respects. GTE Sprint and MCI would in response withdraw the Supreme Court appeal.

The applicants pursuant to stipulation agreed that they would file applications with this Commission seeking certificates of public convenience and necessity to provide intrastate, intraLATA, interexchange telecommunication services in Nebraska.

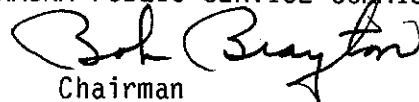
By general mandate dated July 31, 1986, the Supreme Court remanded this matter to the Commission with instructions to enter an order pursuant to the stipulation filed and accepted by the Supreme Court. This order is entered pursuant to that mandate.

ORDER

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the following text of the order entered August 5, 1985, shall remain intact with the exception of the deletion of paragraphs 23 and 24 as ordered by the Supreme Court and the order nunc pro tunc entered above. The terms of this order, as revised, shall be effective as of August 5, 1985, the entry date of the original order. Paragraphs Nos. 23 and 24 shall be vacated and be void and without force or effect from the time the original order was entered and succeeding paragraphs renumbered. The text shall in all other respects remain in force and effect as originally entered. The attached order shall henceforth be considered the Commission's original order in Applications Nos. C-497 and C-552.

MADE AND ENTERED at Lincoln, Nebraska, this 26th day of August, 1986.

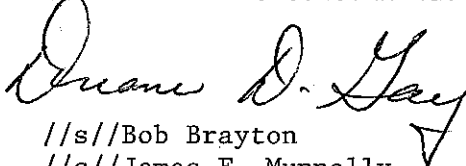
NEBRASKA PUBLIC SERVICE COMMISSION


Chairman

ATTEST:


Executive Secretary

COMMISSIONER'S CONCURRING:



//s//Bob Brayton

//s//James F. Munnelly

//s//Eric Rasmussen

//s//Harold D. Simpson