

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission on) seeking to correct by order nunc) pro tunc the Certificate of Public) Convenience & Necessity of Cable &) Wireless Communications, Inc., of) Vienna, Virginia to provide intra-) state IntraLATA interexchange) resale telecommunications ser-) vices in Nebraska.)	Application No. C-867 ORDER NUNC PRO TUNC Entered: September 14, 1993
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BY THE COMMISSION

The Commission enters this order nunc pro tunc to correct the certificate of authority previously granted to Cable & Wireless Communications, Inc. (C&W) of Vienna, Virginia in Application No. C-867 (March 5, 1991). 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 order nunc pro tunc but not judicial errors. Larson v. Bedke, 211 Neb. 247, 318 N.W. 2d 253 (1982).

In the original application, C&W requested authority to provide intrastate interLATA and intraLATA interexchange resale telecommunications services in Nebraska. The Commission's final order granted only the interLATA portion requested. C&W has operated since then with the understanding that it actually had both intraLATA and interLATA authority.

Review of the application demonstrates that the applicant clearly sought both types of authority. Neither the transcript of the hearing nor the order show any intention on the Commission's part to deny the intraLATA portion. In fact, as has been noted before in other Commission orders, the Commission has specifically found that intraLATA toll competition is to the public's benefit. See In Re MCI Telecommunications Corp., 79 PUR4th 282 (1986).

After examining the record, and being fully advised, the Commission finds that the current grant of authority to C&W does not accurately represent what it should have received, namely interLATA and intraLATA interexchange resale authority. Therefore, the Commission should issue an order nunc pro tunc to correct the C&W certificate.

ORDER

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IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the certificate of public convenience and necessity of Cable & Wireless Communications, Inc., Vienna, Virginia be and it is hereby amended to read: C&W is authorized to "provide the resale of interLATA and intraLATA interexchange telecommunications services in the State of Nebraska."

MADE AND ENTERED at Lincoln, Nebraska this 14th day of September, 1993.

NEBRASKA PUBLIC SERVICE COMMISSION

Commissioners Concurring

Daniel G. Gwiller
Quone D. Gay

//s//Rod Johnson
//s//Frank E. Landis, Jr.
//s//James F. Munnelly

Frank E. Landis, Jr.
Chairman

ATTEST:

Dorothy R. King
Executive Director