

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission on	)	Application No. C-925
it own motion to determine the	)	
boundary between the Bushnell ex-	)	
change of Dalton Telephone Company	)	ORDER NUNC PRO TUNC TO
and the Pine Bluffs and Ablin,	)	CORRECT "GRANDFATHER" LIST
Wyoming exchanges of US West Com-	)	
munications.	)	
	)	Entered: December 6, 1993

The Commission enters this order nunc pro tunc to correct the order previously issued in this application on July 14, 1992. That order established the local exchange boundaries between certain Dalton Telephone Company ("Dalton") exchanges and US West Communications ("US West") exchanges and "grandfathered" certain subscribers listed on Exhibit A attached to the original order. Exhibit A contains an error which was brought to the Commission's attention by Dalton in a letter dated November 17, 1993.

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 this application, Exhibit A shows the access line identified at P.O. Box 886, Pine Bluffs, WY, 82082 in the name of "Brian Kimzey." This is an error and should instead be the names of "Donn & Juliann Randall."

An affidavit from the Commission's legal counsel states that US West was informed of Dalton's letter and that US West has no objection to this Commission entering an order nunc pro tunc under these circumstances.

After examining the record, and being fully advised, the Commission finds that the July 14, 1992 order does not accurately represent the record and findings of the Commission, namely, that Donn and Juliann Randall are properly named to the access line grandfathered at P.O. Box 886, Pine Bluffs, Wyoming, 82082. Therefore, the Commission should issue an order nunc pro tunc to correct the original order.

ORDER

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IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the previous order granted in Application No. C-925 on July 14, 1992 should be amended by this order nunc pro tunc to record that the access line grandfathered to the location at P.O. Box 886, Pine Bluffs, Wyoming, 82082 be and it is hereby grandfathered to that location and to Donn and Juliann Randall. The name "Brian Kimzey" should be and is hereby stricken.

MADE AND ENTERED at Lincoln, Nebraska this 6th day of October, 1993.

NEBRASKA PUBLIC SERVICE COMMISSION

Commissioner Concurring

*Duane D. Gay*

//s//Rod Johnson

//s//Frank E. Landis, Jr.

//s//James F. Munnelly

*Mark Sanby*  
Chairman

ATTEST:

*Digit R. King*  
Executive Director