

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the)	Application No. C-994
Application of LDDS Communica-)	
tions, Inc., Seeking Authority)	
to Merge with Metromedia Communi-)	ORDER NUNC PRO TUNC
cations Corporation and Resur-)	
gens Communications, Group. Inc.)	
		Entered: October 4, 1993

APPLICANTS' ATTORNEYS

Andrew D. Lipman, Esq.
Robert G. Berger, Esq.
SWIDLER & BERLIN, CHTD.
3000 K Street, N.W., Suite 300
Washington, D.C. 20007
202.424.7635
202.424.7643 (FAX)

BY THE COMMISSION

The Commission enters this order nunc pro tunc to correct the certificate of authority previously granted August 2, 1993 to LDDS METRO Communications, Inc. of Jackson, Mississippi in Application No. C-994. 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, the applicant requested, as part of the application to be recognized in Nebraska as "LDDS METRO Communications, Inc." This application contemplated the merger of several entities and envisioned that these companies, as merged, would be identified by the aforementioned moniker. Subsequent to our August 2nd order, the merger was approved by the various parties as anticipated. However, the name of the surviving entity was changed by the parties to "LDDS Metromedia Communications" and the surviving corporation now petitions us to change our original order to correct the error in the name change.

In addition, the Commission also notes there are two typing errors at page 3 of the original order where in paragraph 3 "C-919" should be changed to "C-918" and in footnote 2, "Application No. 758" should be changed to "Application No. C-758".

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After examining the record, and being fully advised, the Commission finds that the August 2, 1993 order does not accurately represent what the Applicant should have received, namely the recognition of the surviving corporation as "LDDS Metromedia Communications" and further that there are two errors at page 3 of the original order which should be corrected. Therefore, the Commission should issue an order nunc pro tunc to correct the applicant's certificate and the contents of the original order.

ORDER

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the certificate of public convenience and necessity of the applicant should be and is hereby amended by order nunc pro tunc to recognize that the applicant's name is LDDS Metromedia Communications."

IT IS FURTHER ORDERED that the original order of August 2, 1993 is amended by order nunc pro tunc at page 3, paragraph 3 to change "C-919" to "C-918" and in footnote 2, to change "Application No. 758" to "Application No. C-758".

MADE AND ENTERED at Lincoln, Nebraska this 4th day of October, 1993.

NEBRASKA PUBLIC SERVICE COMMISSION

Commissioners Concurring

Daniel G. Mueller
Duane D. Gay

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

John S. Sanders
Chairman

ATTEST:

John S. Sanders
Acting Executive Director