

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of ) Application No. C-1100  
LDDS Communications, Inc., of )  
Jackson, Mississippi seeking author- ) ORDER NUNC PRO TUNC TO  
ity to transfer control of WilTel, ) CORRECT REVOCATION  
Inc. and for approval of related )  
transactions. ) Entered: October 25, 1994

BY THE COMMISSION

The Commission enters this order nunc pro tunc to correct the order previously issued in C-1100 on September 27, 1994. That order approved the transfer of control of WilTel, Inc. to LDDS Communications, Inc. and also permitted related transactions. The order contains an error which was brought to the Commission's attention by LDDS on October 5, 1994.

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).

The order entered by the Commission on September 27, 1994 revokes the certificate of authority granted to WilTel in C-899. This is in error and should be deleted from the order. LDDS intends on utilizing the certificate of authority granted to WilTel, as WilTel will continue to operate and do business in Nebraska.

After examining the record, and being fully advised, the Commission finds that the September 27, 1994 order does not accurately explain the future operating status of WilTel. Therefore, the Commission should issue an order nunc pro tunc to correct the original order.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the previous order granted in Application No. C-1100 on September 27, 1994 be amended by this order nunc pro tunc to reflect that the certificate of public convenience and necessity granted to WilTel in C-899 be and it is hereby operative. The provision in the order revoking the certificate of authority should be and is hereby stricken.

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MADE AND ENTERED at Lincoln, Nebraska this 25th day of  
October, 1994.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Daniel B. Havelle*

Chairman

ATTEST:

//s//Duane D. Gay

//s//Frank E. Landis

//s//James F. Munnelly

*[Signature]*

Executive Director