

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission, on) Application No. C-1878/PI-23  
its own motion, to determine appro- )  
priate policy regarding access to ) ORDER NUNC PRO TUNC  
residents of multiple dwelling )  
units (MDUs) in Nebraska by )  
competitive local exchange tele- )  
communications providers (CLECs). ) Entered: September 29, 1999

BY THE COMMISSION:

O P I N I O N   A N D   F I N D I N G S

On April 20, 1999, the Commission entered an order in this docket clarifying previously-established policy for residential multiple dwelling unit access and also denying US West's motion for rehearing and clarification. On page one of the order, the Commission stated, "On March 15, 1999, US West filed a Motion for Rehearing and for Clarification." The Commission has since discovered that the US West motion was filed on March 12, 1999, and not on March 15, 1999, as erroneously stated in the order.

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).

After examining the record and being fully advised, the Commission finds that the April 20, 1999 order in Docket No. C-1878/PI-23 contains a typographical error, erroneously stating the date US West filed their motion for rehearing and clarification. 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 Commission's April 20, 1999 order in Docket No. C-1878/PI-23 be, and it is hereby, corrected to reflect that the US West motion for rehearing and clarification was filed with the Commission on March 12, 1999, and not on March 15, 1999.

MADE AND ENTERED at Lincoln, Nebraska, this 29th day of September, 1999.

COMMISSIONERS CONCURRING:

//s//Anne C. Boyle  
//s//Lowell C. Johnson  
//s//Rod Johnson  
//s//Frank E. Landis  
//s//Daniel G. Urwiller

NEBRASKA PUBLIC SERVICE COMMISSION

Chairman

ATTEST:

Deputy Director