

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) Application No. C-2364
of Essex Communications, Inc.,)
d/b/a eLEC Communications of)
Melville, New York, seeking au-) ORDER NUNC PRO TUNC
thority to provide facilities-)
based local exchange and inter-)
exchange services within the)
state of Nebraska.) Entered: June 27, 2001

BY THE COMMISSION:

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

It was brought to the Commission's attention that an order *nunc pro tunc* should be entered to correctly reflect our intentions and action taken with respect to the authority granted by the Commission in the application of Essex Communications, Inc., d/b/a eLEC Communications (Essex) of Melville, New York. As with a number of orders we enter granting applications for competitive local exchange carriers, the order granting authority to Essex contained a routinely added clause which restricted the territory in which Essex could provide service. These clauses were inadvertently left in the order giving Essex the authority to provide the proposed local exchange and interexchange services within Qwest territory only. Upon review, however, we conclude that the order should have provided Essex with the authority to provide local exchange telecommunications services and interexchange services throughout the state of Nebraska. To otherwise limit Essex would be contrary to the evidence provided at hearing. Therefore, we enter this order *nunc pro tunc* to correct the restrictions made in that order due to that clerical mistake.

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).

Application No. C-2364

Page 2

O R D E R



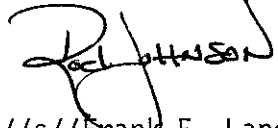
IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. C-2364 which was granted June 19, 2001, be, and it hereby, remains in effect as granted but amended in accordance with the findings contained herein.

IT IS FURTHER ORDERED that this order be, and hereby is, made the Commission's official Certificate of Public Convenience and Necessity to the applicant to provide local exchange and interexchange telecommunications services throughout the state of Nebraska.

MADE AND ENTERED at Lincoln, Nebraska, this 27th day of June, 2001.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:




//s//Frank E. Landis


Chairman

ATTEST:


Executive Director