

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of WADD I, LLC) Application No. BR-520/B-1745
d/b/a Wings of Love, Omaha,)
seeking to establish its rates)
and charges subject to the) ORDER NUNC PRO TUNC
Provisions of Neb. Rev. Stat.)
Chapter 75, Articles 1 and 3.)
) Entered: July 16, 2019

BY THE COMMISSION:

On January 19, 2017, WADD I, LLC d/b/a Wings of Love ("Applicant"), Omaha, filed an application for authority to amend its rates, which were granted on an emergency basis on March 21, 2017.¹ Pursuant to Neb. Rev. Stat. § 75-121 and Commission Rules, Applicant's rates were published in The Daily Record, Omaha, Nebraska, on June 3, 2019.

In June 2019, Applicant informed the Commission that page one of the order granting Application No. BR-520 incorrectly reported the current per-mile charge for charges outside the Omaha Metro as \$1.65. Applicant's previous rate order approved that mileage rate at \$1.55.² The Order in Application No. BR-520 should have stated that Applicant was increasing that particular mileage rate from \$1.55 to \$1.75. Applicant requested that the record be corrected to reflect established rates and amendments to those rates.

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

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.³ Clerical errors may be corrected by an order nunc pro tunc, but not judicial errors.⁴

Based on the above, the Commission finds that an order nunc pro tunc should be entered. Page one of the March 21, 2017 Commission order granting Applicant's rates in Application No. BR-520 should be amended as follows:

¹ See Application No. BR-520/B-1745 *In the Matter of WADD I, LLC d/b/a Wings of Love, Omaha, seeking to establish its rates and charges subject to the Provisions of Neb. Rev. Stat. Chapter 75, Articles 1 and 3, Order Granting Rates*, Entered March 21, 2017.

² See Application No. BR-412 *In the Matter of the Prescription of Reasonable Rates and Charges for Motor Carriers Passengers and Property for Hire subject to the Provisions of Neb. Rev. Stat. (Reissue 2003), Chapter 75, Articles 1 and 3, Order Granting Rates on an Emergency Basis*, Entered February 12, 2013.

³ *Interstate Printing Co. v. Dept. of Revenue*, 236 Neb. 110 (1990).

⁴ *Larson v. Becke*, 211 Neb. 247 (1982).

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<u>Description</u>	<u>Current</u>	<u>Proposed</u>
Intra-city Omaha Metro:		
One Way Trip	\$16.25	\$18.50
Commercial Wheelchair Van, Non-Emergency Transportation		\$45.00
Round Trip	\$32.50	\$37.00
Idle/Wait Charge:		\$15.00 for 15 minutes
Charges starting with minute		No charge for 10 minute
16:		wait
		\$5.00 for 20 minute
		wait
		\$15 for 30 minute wait
Charges Outside Omaha Metro:		
Mileage Charge	\$1.55/mile	\$1.75/mile

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the March 21, 2017 Order should be corrected as set forth herein.

IT IS FURTHER ORDERED that the remainder of the March 21, 2017 Order remain in effect as entered.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 16th day of July, 2019.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING

Crystal Kwachuk

Mary Riddis
Chair

ATTEST:

[Signature]

Michael H. 120
Executive Director

[Signature]