

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application)	Application No. BR-574/
of Papio Transport Service,)	B-1733
Inc., Papillion, seeking to)	
establish its rates and charges)	ORDER NUNC PRO TUNC
subject to the Provisions of)	
Neb. Rev. Stat. Chapter 75,)	
Articles 1 and 3.)	Entered: December 3, 2019

BY THE COMMISSION:

On October 17, 2019, Papio Transport Service, Inc. ("Applicant"), Omaha, Nebraska, filed an application for authority to establish its rates in its newly merged operations, which were granted on an emergency basis on October 29, 2019.¹ Pursuant to Neb. Rev. Stat. § 75-121 and Commission rules, the application were published in The Daily Record, Omaha, Nebraska, on October 31, 2019. No protests were filed.

Subsequent to the entry of the Order, Applicant informed the Commission that page two of the October 29, 2019 Order incorrectly referenced a different carrier instead of referencing Applicant, as well as indicated an incorrect effective date for the rates. Applicant requested that the record be corrected.

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.² Clerical errors may be corrected by an order nunc pro tunc, but not judicial errors.³

Based on the above, the Commission finds that an order nunc pro tunc should be entered. Page two, "Order" section of the October 29, 2019 Commission Order granting Applicant's rates in Application B-574/B-1733 should be amended as follows:

"IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Papio Transport Service, Inc.,

¹ See Application No. BR-574/B-1733 *In the Matter of the Application of Papio Transport Service, Inc., Papillion, seeking to establish its rates and charges subject to the Provisions of Neb. Rev. Stat. Chapter 75, Articles 1 and 3, Order Granting Rates on an Emergency Basis*, Entered October 29, 2019.

² *Interstate Printing Co. v. Dept. of Revenue*, 236 Neb. 110 (1990).

³ *Larson v. Becke*, 211 Neb. 247 (1982).

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Papillion, Nebraska, be and it is hereby, authorized to establish its rates for its services on an emergency basis effective October 29, 2019 as follows[.]"

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the October 29, 2019 Order should be corrected as set forth herein.

IT IS FURTHER ORDERED that the remainder of the October 29, 2019 Order remain in effect as entered.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 3rd day of December, 2019.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Cystal Knodes

Mary Rellis
Chair

Attest:

Michael S. Hyle

Executive Director

Paul Johnson
Dan Wenzel
Jim Schram