

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Leisure) Application No. B-1718,
Limousine & Sedan, Inc.,) Supplement 4
Lincoln, seeking to extend its)
authority as a common carrier in)
Nebraska intrastate commerce in)
the transportation of passengers)
and their baggage in limousine)
service by luxury and stretch)
limousine and sedan and van) ORDER NUNC PRO TUNC
between points in York and Gage)
counties, and between points in)
said counties, on the one hand,)
and, on the other hand, points)
in Nebraska over irregular)
routes. RESTRICTION: The)
transportation of railroad crews)
and their baggage is not)
authorized. HHS Designation: No.) Entered: March 28, 2017

BY THE COMMISSION:

On October 7, 2016, Leisure Limousine & Sedan, Inc. ("Applicant") filed an application seeking to extend its authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers and their baggage in open class by van and SUV between points in Douglas, Sarpy, Lancaster, Washington, Saunders, Seward, Cass, Saline, Gage, Otoe, York, Hamilton, and Hall Counties, and between said counties, on the one hand, and, on the other hand, points in Nebraska over irregular routes. In this docket, three Hearing Officer orders were entered: on November 21, 2016, an Order Granting Protests; December 20, 2016, an Order Scheduling Planning Conference; and December 28, 2016, an Order Adopting Schedule and Setting Hearing. Each Hearing Officer Order incorrectly stated in the caption and paragraph one of the Order that Applicant was seeking to extend its authority by offering limousine service by luxury and stretch limousine and sedan and van between points in York and Gage counties, and between points in said counties, on the one hand, and, on the other hand, points in Nebraska over irregular routes.

The Commission enters this order nunc pro tunc to correct this error.

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, thorough inadvertence or mistake, was not

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truly recorded.¹ Clerical errors may be corrected by an order nunc pro tunc, but not judicial errors.²

The proposed services to be offered by Applicant were correctly noticed in The Daily Record, Omaha, Nebraska, on October 11, 2016. Testimony was also received into the record during the Commission hearing on the application held February 1, 2017, which supports the intention of Applicant to extend its authority by adding airport shuttle open class service, as opposed to extending its limousine services.

Based on the above, the Commission finds that an order nunc pro tunc should be entered to correct the error in the November 21, 2016, December 20, 2016, and December 28, 2016, Hearing Officer Orders as follows:

1. Strike the Caption and replace with: "In the Matter of Leisure Limousine & Sedan, Inc., Lincoln, seeking to extend its authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers in open class by van and SUV between points in Douglas, Sarpy, Lancaster, Washington, Saunders, Seward, Cass, Saline, Gage, Otoe, York, Hamilton, and Hall Counties, and between said counties, on the one hand, and, on the other hand, points in Nebraska over irregular routes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. HHS Designation: No."
2. Strike paragraph one and replace with: "On October 7, 2016, Leisure Limousine & Sedan, Inc. ("Applicant") filed an application seeking to extend its authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers and their baggage in open class by van and SUV between points in Douglas, Sarpy, Lancaster, Washington, Saunders, Seward, Cass, Saline, Gage, Otoe, York, Hamilton, and Hall Counties, and between said counties, on the one hand, and, on the other hand, points in Nebraska over irregular routes. The transportation of railroad train crews and their baggage is not authorized, and the HHS Designation is no."

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Hearing Officer orders of November 21, 2016, be corrected as determined above.

¹ *Andrews v. Nebraska State Railway Commission*, 178 Neb. 799 (Neb. 1965).

² *Larson v. Bedke*, 211 Neb. 247 (Neb. 1982).

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ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 28th
day of March, 2017.

COMMISSIONERS CONCURRING:

Mary Fiddis

Crystal Broadus

Rob Fouse

NEBRASKA PUBLIC SERVICE COMMISSION

Tim Schram

Chair

ATTEST:

Jeffrey L. Pulay

Executive Director

//s//Frank E. Landis

//s//Tim Schram