

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Capeace, Inc.) APPLICATION NO. B-1800
dba Commuter Express, Omaha,)
seeking to acquire, through)
transfer, the authority held by) ORDER NUNC PRO TUNC
Hope Transportation in)
Certificate B-1557.)
) ENTERED: NOVEMBER 21, 2011

BY THE COMMISSION:

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).

Upon review of the Commission's order entered November 2, 2011, in Application No. B-1800, it has come to our attention that a restriction was not recorded. The applicant restricted some of the geographic areas from the original certificate. The certificate will read as follows:

CERTIFICATE AUTHORIZED

SERVICE AND TERRITORY AUTHORIZED: COMMON: Transportation of passengers in open class by passenger van between points in Douglas and Sarpy counties, and between points in the cities of Blair and Fort Calhoun and a three mile radius of said cities, and between points in said locations, on the one hand, and, on the other hand, points in Douglas and Sarpy counties, including the transportation of clients of the Nebraska Department of Health and Human Services, (DHHS), services under contract with DHHS, and other similar state and federal agencies. RESTRICTIONS: (a) The transportation of railroad train crews and their baggage is not authorized. (b) The transportation of passengers requiring vehicles that are specially equipped to accommodate wheelchairs is not authorized until July 1, 2013, and such restriction under item (b) shall automatically become void on said date without further action; and (c) the transportation of passengers to or from Eppley Airfield is not authorized until July 1, 2013, and such restriction under item (c) shall automatically become void on said date without further action.

SUPPLEMENT 1: Transportation of passengers and their baggage in open class service between points in the cities of

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Plattsmouth and Nebraska City and a three mile radius of said cities, and between points in said locations, on the one hand, and, on the other hand, points in Douglas and Sarpy counties over irregular routes, to include the transportation of Health and Human Services clients and their subcontractors thereof.

RESTRICTIONS: (a) The transportation of railroad train crews and their baggage is not authorized. (b) The transportation of passengers requiring vehicles that are specially equipped to accommodate wheelchairs is not authorized until July 1, 2013, and such restriction under item (b) shall automatically become void on said date without further action; and (c) the transportation of passengers to or from Eppley Airfield is not authorized until July 1, 2013, and such restriction under item (c) shall automatically become void on said date without further action.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the order which was entered November 2, 2011, remains in effect as entered but corrected in accordance with the findings contained herein.

MADE AND ENTERED at Lincoln, Nebraska, this 21st day of November, 2011.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Red Johnson
Anne Boyle
Gerald L. Vay

//s// Frank Landis

//s// Tim Schram

Tim Schram

Chairman

ATTEST:

Phil S. J. P.

Executive Director