

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Application of) Application No. AD-315r
Linebarger, Goggan, Blair and)
Sampson, LLP, Dallas, Texas,) ORDER NUNC PRO TUNC
seeking authority to connect an)
automatic dialing-announcing)
device.) Entered: December 13, 2005

BY THE COMMISSION:

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

By application filed on February 28, 2005, Linebarger, Goggan, Blair and Sampson, LLP (Applicant), Dallas, Texas, sought authority to connect an automatic dialing-announcing device. After issuing its order, the Commission discovered that the applicant has four separate automatic dialing units involved; accordingly pursuant to the Commission's Automatic Dialing-Announcing Device Rules and Regulations, four separate orders are required.

For purposes of clarification, three additional orders have been issued concurrently with this order to account for the three other automatic dialer units. This order is revised to account for only one auto dialer.

The purpose of a 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).

The error in the previous order, AD-315r, granted the use of all four automatic dialer devices. The effect of that order, allowing the use of the automatic dialer units, remains unchanged. The effect of this order and order numbers AD-329r, AD-330r, and AD-331r is merely to correct a clerical order, and no rights previously granted are changed. Furthermore, the effect of these present orders are retroactive to the date of the original AD-315r order, March 22, 2005.

Applicant is a limited liability partnership whose mailing address is 2323 Bryan Street, Suite 1600, Dallas, Texas 75201. Applicant proposes to connect an ADAD unit using Intel Dialogic Cards and Cu-Converse Telephony Server Software. This unit has the registration number FX006551.

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The petition states the Applicant will include on all calls made on the automatic dialing-announcing device, a statement of the nature of the call and the name, address and telephone number of the business or organization being represented.

Having reviewed the matter, the Commission finds that the application complies with the applicable statutes and Rules and Regulations of the Commission regarding automatic dialing-announcing devices.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the order entered in Application AD-315r on March 22, 2005, be, and it is hereby, corrected as provided above.

IT IS FURTHER ORDERED that this order be, and it is hereby, made the Commission's official permit as set forth in this order and shall remain in force and effect for two years from March 22, 2005, unless used in a manner inconsistent with state or federal law.

IT IS FURTHER ORDERED that all other requirements of the Commission's March 22, 2005 Order in this docket remain in full force and effect.

MADE AND ENTERED at Lincoln, Nebraska, this 13th day of December, 2005.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:




Chairman 

//s// Frank E. Landis
//s// Gerald L. Vap

ATTEST:


Executive Director