

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the) Application No. C-3324
Petition of N.E. Colorado)
Cellular, Inc., d/b/a Viaero)
Wireless, Fort Morgan,) ORDER NUNC PRO TUNC
Colorado, for designation as)
an Eligible Telecommunica-)
tions Carrier under 47) Entered: November 8, 2005
U.S.C. § 214(e) (2).

BY THE COMMISSION:

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

On October 18, 2005, the Commission entered an order granting the application of N.E. Colorado Cellular, Inc. d/b/a Viaero Wireless, of Fort Morgan, Colorado seeking designation as an eligible telecommunications carrier under 47 U.S.C. § 214(e) (2). On page twelve of that order the Commission described the companies impacted by Viaero's application for redefinition of certain rural incumbent local exchange carrier (ILEC) service areas pursuant to Section 54.207(c) of the FCC's rules. The Commission inadvertently included Arapahoe Telephone Company and Cambridge Telephone Company. According to the Amended Petition filed by Viaero on May 2, 2005, Viaero has the ability to serve the entire Arapahoe Telephone Company (Arapahoe) service area and the entire Cambridge Telephone Company (Cambridge) service area. Accordingly, Arapahoe and Cambridge should not be included in the areas Viaero requested to be redefined. The Commission enters this order nunc pro tunc to correct this error and to remove the reference to Arapahoe and Cambridge from that section of the order.

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).

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the order be corrected to remove the reference to Arapahoe Telephone Company and Cambridge Telephone Company from the redefinition section of the October 18, 2005 Order.

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

Application No. C-3324

Page 2

MADE AND ENTERED at Lincoln, Nebraska, this 8th day of
November, 2005.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Lowell Johnson

Anne C. Boyle

Frank E. Landis

//s// Frank E. Landis

//s// Gerald L. Vap

Chairman

Gerald L. Vap

ATTEST:

Art S. Pollak

Executive Director