

# SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

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BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska ) Application No. C-5272  
Public Service Commission, on )  
its own motion, to implement )  
the Nebraska Broadband Bridge ) ORDER NUNC PRO TUNC  
Act. )  
)  
)  
) Entered: September 14, 2021

BY THE COMMISSION:

On August 10, 2021, the Nebraska Public Service Commission ("Commission") entered an order in this matter issuing the 2021-2022 grant application schedule and application materials. Attached to this order as Attachment A was a procedural schedule setting forth the dates upon which events in the 2021-2022 grant application cycle would take place. This schedule incorrectly listed the date upon which applications would be released as 3 business days after the filing of the application. However, the Nebraska Broadband Bridge Act states that applications shall be published on the Commission website "[w]ithin three business days after the application deadline." Neb. Rev. Stat. § 86-1307(1). The Commission enters this order nunc pro tunc to correct and clarify that applications will be published on October 6, 2021 as required by statute, rather than on a rolling basis as set forth in Attachment A to the August 10 order. As such, the procedural schedule previously released in this docket shall be modified to reflect this statutory requirement. A corrected Attachment A is attached to this 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). The Commission finds that the intent of the August 10 order was to set out the requirements of the Nebraska Broadband Bridge Program described in statute, and that the error described above was inadvertent and not intended to modify the legislative intent set forth in the Nebraska Broadband Bridge Act.

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O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Attachment A to the August 10th order entered in this docket be corrected as described above.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 14th day of September, 2021.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Bob Johnson*  
*Crystal Broadus*  
*Mary Kiddy*  
*Tim Schram*

*Don Watson*  
Chair

ATTEST:

*Shanice Knutson*  
Deputy Director

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### Attachment A: Procedural Schedule (Corrected)

<u>Event</u>	<u>Date</u>
Commission enters order setting out application and scoring criteria	Tuesday, August 10, 2021
Application period begins Challenge forms released	Thursday, September 9, 2021
Deadline to submit applications	Friday, October 1, 2021
Applications posted to Commission website	Wednesday, October 6, 2021
Notices of intent to challenge due to Commission and to Applicant	Wednesday, October 13, 2021
Challenges due	Friday, November 5, 2021
Commission to notify applicants of defects that must be cured and of areas of overlap with other applications	Wednesday, November 10, 2021
Commission to notify applicants of challenges received	3 business days after challenge filed. Last notification to be sent Wednesday, November 10, 2021
Deadline for applicants to supplement or modify challenged applications	Wednesday, November 24, 2021
Deadline for applicants to cure defects in applications	10 business days after notification of challenge. Last submission due Wednesday, November 24, 2021
Grant awards released Results of challenges released	Tuesday, January 4, 2022
State of Nebraska W-9 and ACH enrollment form due from successful applicants	Monday, January 10, 2022