

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the	)	Application No. B-2123
Application of ZOGAR Wheels,	)	
LLC, Omaha, seeking authority	)	
as a contract carrier in	)	
Nebraska intrastate commerce	)	
in the transportation of	)	
passengers in Open Class	)	
service by van between all	)	
points in Nebraska over	)	ORDER NUNC PRO TUNC
irregular routes, pursuant to	)	
a contract with the Nebraska	)	
Department of Health and Human	)	
Services, a medicaid-managed	)	
care organization under	)	
contract with NDHHS, or	)	
another agent working on	)	
behalf of NDHHS. HHS	)	
Designation: Yes.	)	Entered: November 6, 2024

BY THE COMMISSION:

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

On October 16, 2024, the Nebraska Public Service Commission ("Commission") entered an order granting the application of ZOGAR Wheels, LLC, ("Applicant"). The order stated that "Upon compliance with Neb. Rev. Stat. §§ 75-305 (fees), 75-307 (insurance), and 75-308 (rates), and with the rules and regulations of the Commission, a Permit of Authority should be issued as follows:

PERMIT AUTHORIZED

SERVICE AND TERRITORY AUTHORIZED:

Contract: Transportation of passengers in Open Class service by van between all points in Nebraska over irregular routes, pursuant to a contract with the Nebraska Department of Health and Human Services, a medicaid-managed care organization under contract with NDHHS, or another agent working on behalf of NDHHS.

HHS Designation: Yes.

After the entry of the Order, the Commission was notified that the service territory in the order was inconsistent with a settlement

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agreement that Applicant had entered with another carrier.<sup>1</sup> Under that agreement, Applicant would be limited to service in Lancaster, Douglas, and Sarpy counties.

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

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.<sup>2</sup> Clerical errors may be corrected by an order nunc pro tunc, but not judicial errors.<sup>3</sup>

Based on the above, the Commission finds that an order nunc pro tunc should be entered. The order should be corrected to limit the territory authorized to the Douglas, Sarpy, and Lancaster counties, resulting in the following authority:

### PERMIT AUTHORIZED

#### SERVICE AND TERRITORY AUTHORIZED:

Contract: Transportation of passengers in Open Class service by van between points in Douglas, Sarpy, and Lancaster counties over irregular routes, pursuant to a contract with the Nebraska Department of Health and Human Services, a medicaid-managed care organization under contract with NDHHS, or another agent working on behalf of NDHHS.

HHS Designation: Yes.

### O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the October 16, 2024 Order should be corrected as set forth herein.

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<sup>1</sup> Additionally, Applicant had submitted an Affidavit of Applicant on August 21, 2024 which stated that the route or territory which Applicant sought authority to offer motor carrier services was "Lancaster, Douglas, and Sarpy counties."

<sup>2</sup> Interstate Printing Co. v. Dept. of Revenue, 236 Neb. 110 (1990).

<sup>3</sup> Larson v. Bedke, 211 Neb. 247 (1982).

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ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 6th day of November 2024.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Eric M. Hamler*

*[Signature]*

*Tim Schram*

*Kevin Stocker*

*[Signature]*

Chair

ATTEST:

*Thomas W. Golden*  
Executive Director