

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Implementing Kari's Law and Section 506 of RAY BAUM'S Act)	PS Docket No. 18-261
)	
Inquiry Concerning 911 Access, Routing, and Location in Enterprise Communications Systems)	PS Docket No. 17-239
)	
Amending the Definition of Interconnected VoIP Service in Section 9.3 of the Commission's Rules)	GN Docket No. 11-117
)	

SECOND ERRATUM

Released: September 13, 2022

By the Managing Director and the Chief, Public Safety and Homeland Security Bureau:

On August 2, 2019, the Commission released a *Report and Order*, FCC 19-76, in the above captioned proceeding.¹ On December 2, 2019, the Managing Director and the Public Safety Homeland Security Bureau released an Erratum amending the *Report and Order*, DA 19-1217.

1. In Appendix A of the Report and Order, section 9.17(a)(1) is amended to reference 47 U.S.C. § 501 *et seq.* (which was listed incorrectly as 5 U.S.C. § 501 *et seq.*). Specifically, 5 U.S.C. § 501 *et seq.* are from Title 5, "Government Organization and Employees," and section 501 ("Advertising practice; restrictions") prohibits a party that is practicing before an agency of the United States from using the names of certain individuals in advertising its business.² In contrast, the intended citation, 47 U.S.C. § 501 *et seq.*, is from Title 47, "Telecommunications," and section 501 ("General penalty") authorizes imposition of a fine and imprisonment.³ The rule in question, section 9.17(a)(1), expressly states that

¹ *Implementing Kari's Law and Section 506 of RAY BAUM'S Act; 911 Access, Routing, and Location in Enterprise Communications Systems; Amending the Definition of Interconnected VoIP Service in Section 9.3 of the Commission's Rules*, PS Docket Nos. 18-261 and 17-239, GN Docket No. 11-117, Report and Order, 34 FCC Rcd 6607 (2019), corrected by Erratum, 34 FCC Rcd 11073 (PSHSB Dec. 2, 2019) (*Report and Order*).

² 5 U.S.C. § 501 ("Advertising practice; restrictions: An individual, firm, or corporation practicing before an agency of the United States may not use the name of a Member of either House of Congress or of an individual in the service of the United States in advertising the business.").

³ 47 U.S.C. § 501 ("General penalty: Any person who willfully and knowingly does or causes or suffers to be done any act, matter, or thing, in this chapter prohibited or declared to be unlawful, or who willfully and knowingly omits or fails to do any act, matter, or thing in this chapter required to be done, or willfully and knowingly causes or suffers such omission or failure, shall, upon conviction thereof, be punished for such offense, for which no penalty (other than a forfeiture) is provided in this chapter, by a fine of not more than \$10,000 or by imprisonment for a term not exceeding one year, or both; except that any person, having been once convicted of an offense punishable under this section, who is subsequently convicted of violating any provision of this chapter punishable under this section, shall be punished by a fine of not more than \$10,000 or by imprisonment for a term not exceeding two years, or both.").

“section 501 applies only to the extent that such section provides for the punishment of a fine.”⁴ Based on the language of the rule and context, the Commission clearly intended to reference 47 U.S.C. § 501 *et seq.*

2. Consistent with the Commission’s intent and to avoid public confusion arising from the typographical error, this **Second Erratum** corrects paragraph (a)(1) of section 9.17 in Appendix A of the *Report and Order* as follows:

“§ 9.17 Enforcement, compliance date, State law.

(a) *Enforcement.*

- (1) Sections 9.16(a)(1) and (b)(1) and (2) shall be enforced under title V of the Communications Act of 1934, as amended, 47 U.S.C. 501 *et seq.*, except that section 501 applies only to the extent that such section provides for the punishment of a fine.

* * * * *

3. Because this change is editorial and non-substantive, we find good cause to conclude that notice and comment are unnecessary for its adoption.⁵ Because this rule change does not require notice and comment, the Regulatory Flexibility Act⁶ does not apply.

4. This Second Erratum does not contain new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA).⁷ In addition, therefore, it does not contain any new or modified information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002.⁸

5. The Commission has determined, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, concurs that this rule is “non-major” under the Congressional Review Act, 5 U.S.C. § 804(2). The Commission will send a copy of the Order to Congress and the Government Accountability Office pursuant to 5 U.S.C. § 801(a)(1)(A).

6. Accordingly, **IT IS ORDERED** that, effective on the date of publication of this Second Erratum in the Federal Register, section 9.17(a)(1) of the rules **IS AMENDED** as set forth herein, pursuant to the authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(r), and in sections 553(b)(3)(B) and 553(d)(3) of the Administrative Procedure Act, 5 U.S.C §§ 553(b)(3)(B), 553(d)(3).

⁴ 47 CFR § 9.17(a)(1).

⁵ See 5 U.S.C. § 553(b)(B). In light of the ministerial nature of this change and to avoid confusion to the public, we find there is “good cause” under 5 U.S.C. § 553(d) to make the change effective prior to 30 days after publication in the Federal Register. See 5 U.S.C. § 553(d)(3) (stating that publication of a substantive rule shall be made not less than 30 days before its effective date, “except . . . as otherwise provided by the agency for good cause found and published with the rule”).

⁶ 5 U.S.C. § 601 *et seq.* See *id.* § 601(2).

⁷ Public Law 104-13.

⁸ Public Law 107-198; see 44 U.S.C. § 3506(c)(4).

7. This action is taken under delegated authority pursuant to sections 0.11, 0.191, 0.231(b), and 0.392 of the Commission's Rules, 47 CFR §§ 0.11, 0.191, 0.231(b), 0.392.

FEDERAL COMMUNICATIONS COMMISSION

Mark Stephens
Managing Director
Office of the Managing Director

and

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