

Federal Communications Commission

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

In the Matter of)
)
Third Periodic Review of the) MB Docket No. 07-91
Commission’s Rules and Policies)
Affecting the Conversion)
To Digital Television)

ERRATUM

Released: January 7, 2008

By the Chief, Media Bureau:

1. On December 31, 2007, the Commission released the Report and Order (FCC 07-228) in the above-captioned proceeding. This Erratum converts old paragraph 193 to an indented quote, adds a third sentence to new paragraph 193, and corrects paragraph numbering. Specifically, this Erratum corrects paragraphs 192-194 to read as follows:

“192. In 2004, the *Second DTV Periodic Report and Order* extended the V-Chip requirements to DTV tuners which are sold without an associated display device, such as analog-to-digital converter boxes, DVD recorders, and other nondisplay devices with DTV tuners. In addition, the *Second DTV Periodic Report and Order* adopted measurement criteria associated with the 16:9 aspect ratio for devices that include a display. Specifically, the *Second DTV Periodic Report and Order* provided:

Additionally, we are adopting our proposal to apply v-chip rules to digital television receivers with displays in the 16:9 aspect ratio that are 7.8 inches or greater in height. Furthermore, we are requiring that v-chip technology be included in all digital television receivers with integrated 4:3 displays measuring at least 13 inches diagonally. *Similar to our requirements for closed caption capabilities in digital television receivers, the rules will also be applicable to DTV tuners which are sold without an associated display device.*⁵⁷⁷

“193. The Commission, however, did not make the corresponding revisions to section 15.120(b) as codified in the CFR to reflect these changes. We now make this adjustment to the codified rule to reflect the revision adopted in 2004. We also correct the rule reference to “diameter,” which should have been “measured diagonally” in the rules to conform with the description adopted in the *V-Chip Order (Technical Requirements to Enable Blocking of Video Programming Based on Program Ratings*, 13 FCC Rcd 11248 (1998)).

“194. These changes are permitted because they simply conform the codified rule to the rule amendment adopted by the Commission in the *Second DTV Periodic Report and Order* after notice and comment. Therefore, we find “good cause” under Section 553 of the APA for making this conforming change because additional notice and comment is unnecessary.”⁵⁷⁸

⁵⁷⁷ 19 FCC Rcd 18279, 18348 (emphasis added).

⁵⁷⁸ See 47 U.S.C. § 553(b). Cf., *Federal Express Corp. v. Mineta*, 373 F.3d 112, 120 (D.C.Cir. 2004) (agency was found to have satisfied the notice and comment requirements of the APA where it provided an opportunity to comment before adopting the final rule and requiring the agency to take further comments would serve no useful purpose).

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2. This Erratum also corrects revised rule Section 15.120(b) in item 3 (on page 101) of Appendix B of the Report and Order by replacing the words “in diameter” with “measured diagonally.” Specifically, this Erratum corrects the rule to read as follows:

“(b) Effective January 1, 2000, all TV broadcast receivers as defined in section 15.3(w) of this chapter, including personal computer systems meeting that definition, with picture screens 33 cm (13 in) or larger, measured diagonally, or with displays in the 16:9 aspect ratio that are 19.8 cm (7.8 in) or greater in height and digital television receivers without an associated display device shipped in interstate commerce or manufactured in the United States shall comply with the provisions of paragraphs (c), (d), and (e) of this section.”

FEDERAL COMMUNICATIONS COMMISSION

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