

Federal Communications Commission

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

In the Matter of
Electronic Delivery of MVPD Communications
Modernization of Media Regulation Initiative
MB Docket No. 17-317
MB Docket No. 17-105

ERRATUM

Adopted: November 30, 2018

Released: December 4, 2018

By the Commission:

On November 16, 2018, the Commission released a Report and Order and Further Notice of Proposed Rulemaking (eNotices Order), FCC 18-166, in the above captioned proceeding. Among other things, the eNotices Order gave cable operators the authority to send general notices required under Subpart T of the Commission’s rules via e-mail to a verified e-mail address, and exempted those notices from the “opt-in” requirements of the Electronic Signatures in Global and National Commerce Act (E-Sign Act). The eNotices Order also gave cable operators, satellite providers, and Open Video System providers the same flexibility to deliver statutory privacy notices via e-mail to a verified e-mail address. The eNotices Order, however, inadvertently neglected to list these privacy notices as part of the exemption from the “opt-in” requirements of the E-Sign Act and properly identify them in the Final Regulatory Flexibility Analysis. The eNotices Order also neglected to note the comment deadlines for the attached Further Notice of Proposed Rulemaking. This Erratum amends the eNotices Order to correct these omissions, and an unrelated typo, as indicated below:

- 1. On the first page of the eNotices Order, above “I. Introduction,” add the following:
“Comment Date: (30 days after date of publication in the Federal Register).
Reply Comment Date: (45 days after date of publication in the Federal Register).”
2. Footnote 21 is corrected to read as follows:
“See Appendix A, Final Rules (47 CFR § 76.1600).”
3. Footnote 47 is corrected to read as follows:
“As AT&T notes, it is important to clarify that we are exempting all of the notices approved for electronic delivery in this Order from “the consent requirements of the E-Sign Act.” AT&T Comments at 5. Under the Electronic Signatures in Global and National Commerce Act (E-Sign Act), information that a statute or regulation requires be provided to a consumer in writing can be delivered electronically if the sender follows all of the E-Sign Act requirements, including the requirement that a consumer “has affirmatively consented.” 15 U.S.C. § 7001(c)(1). However, the E-Sign Act preserves a federal regulatory agency’s rulemaking authority, allows federal agencies to interpret the E-Sign Act with respect to a statute that it implements, and allows a federal agency to exempt a specified category or type of record from the consent requirements in the E-Sign Act “if such exemption is necessary to eliminate a substantial burden on electronic commerce and will not increase the material risk of harm to consumers.” 15 U.S.C. § 7004(b), (d). As discussed above, commenters argue persuasively that it would be impractical and unnecessary for MVPDs to attempt to receive permission from each individual customer prior to initiating electronic delivery of these general notices. Therefore, we exempt all the notices

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referenced in new section 76.1600 of our rules from the consent requirements of the E-Sign Act. See Appendix A, Final Rules (47 CFR § 76.1600).”

This Erratum also amends Appendix B of *eNotices Order* as indicated below:

4. In the Final Regulatory Flexibility Analysis, the second sentence is corrected to read as follows:  
“Specifically, we extend this flexibility to Sections 76.1601, 76.1602, 76.1603, 76.1604, 76.1618, and 76.1620, as well as subscriber privacy notifications required pursuant to Sections 631, 338(i), and 653 of the Communications Act of 1934, as amended.”

These errors and omissions will be corrected prior to publication of the *eNotices Order* in the Federal Register and in the FCC Record.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch  
Secretary