

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
Cybersecurity Labeling for Internet of Things) PS Docket No. 23-239

**JOINT TRADE ASSOCIATION REQUEST
FOR EXTENSION OF COMMENT DEADLINE**

CTIA – The Wireless Association (“CTIA”), Consumer Technology Association (“CTA”), NCTA – The Internet & Television Association (“NCTA”), NTCA – The Rural Broadband Association (“NTCA”), Security Industry Association (“SIA”), Telecommunications Industry Association (“TIA”), and USTelecom – The Broadband Association (“USTelecom”), pursuant to 47 C.F.R. § 1.46, respectfully request a 30-day extension of the existing 30-day comment deadline for the Federal Communications Commission’s (“FCC” or “Commission”) Notice of Proposed Rulemaking (“NPRM”) in the above-captioned Cybersecurity Labeling for Internet of Things (“IoT”) proceeding, for a total of 60 days.¹ In addition, because there is likely to be a robust comment record, industry requests an extension of the reply comment deadline so that stakeholders have at least 45 days to develop reply comments in response.

I. BACKGROUND

The NPRM in this proceeding “propose[s] a voluntary cybersecurity labeling program that would provide easily understood, accessible information to consumers on the relative security of an IoT device or product.”² We applaud the Commission’s effort to increase

¹ *Cybersecurity Labeling for Internet of Things*, Notice of Proposed Rulemaking, PS Docket No. 23-239, FCC 23-65 (rel. Aug. 10, 2023) (“NPRM”).

² NPRM ¶ 2.

transparency, in what would be a “first-ever” of its kind program for the U.S.³ And our members look forward to working with the Commission, the National Institute of Standards and Technology (“NIST”), and others to address the important issues raised in the NPRM.

To facilitate the program, the Commission contemplates, *inter alia*, (1) that expert third parties would derive minimum security requirements from NIST’s outcome-based IoT criteria, (2) that third-party entities would verify compliance with those security requirements by program participants, and (3) the creation of a “binary” compliance label with a QR code that links to a national “product registry” associated with the labeling program.

Comments in this proceeding are currently due on September 25, 2023, 30 days after publication in the Federal Register, and reply comments are currently due on October 10, 2023, 15 days after that. The undersigned trade associations request a comment deadline 60 days after publication in the Federal Register, on October 24, 2023, and a reply-comment deadline 45 days after that, on December 8, 2023.

II. DISCUSSION

Although not “routinely granted,” the Commission will extend comment deadlines with “good cause.”⁴ Here, good cause exists for two reasons: (1) the highly technical and complex nature of the NPRM, and (2) the breadth of affected stakeholders.

A. The Highly Technical And Complex Nature Of The NPRM Warrants An Extension.

The NPRM in this proceeding asks more than 120 questions on fundamental aspects of the proposed labeling scheme. For example, the NPRM seeks comment on:

³ *Id.*, Statement of Chairwoman Rosenworcel.

⁴ *Empowering Broadband Consumers Through Transparency*, Order, DC Docket No. CG 22-2, ¶¶ 4–5 (rel. Jan. 4, 2023); *see also* 47 C.F.R. § 1.46.

- What products should be covered—from intentional radiator IoT devices aimed at the consumer to broader IoT “products” to enterprise devices to, potentially, even wired devices.⁵
- Who should convene stakeholders to develop minimum IoT security standards.⁶
- How NIST’s ten outcome-focused IoT criteria could “be leveraged to inform minimum IoT security requirements and standards.”⁷
- Which entity or entities should “serve in the oversight and management of the labeling program.”⁸
- How “IoT devices or products can demonstrate compliance with the IoT security standards, once they are developed.”⁹
- How “to enforce the labeling program requirements.”¹⁰

These uncertainties are understandable. The Commission seeks to create the “*first-ever* voluntary cybersecurity labeling program for connected smart devices.”¹¹ This proposal, by definition, raises new and novel issues of a type that the Commission has not examined before. Implementing the program will thus require the Commission to consider many complex and consequential questions. And the NPRM’s questions show that industry input on the nature of the IoT marketplace—from *what* products will be covered and what the standards will be, to *who* will make the standards, and *how* the standards will be administered and enforced—will be critical to the program’s success.

⁵ NPRM ¶¶ 12–16.

⁶ *Id.* ¶ 28.

⁷ *Id.* ¶ 27.

⁸ *Id.* ¶ 22.

⁹ *Id.* ¶ 25.

¹⁰ *Id.* ¶ 51.

¹¹ *Id.* at Statement of Chairwoman Rosenworcel (emphasis added).

This proceeding is also incredibly complex. The NPRM incorporates by reference hundreds of pages of technical NIST IoT security documents. For example, the NPRM seeks to use “NIST’s recommended IoT criteria as the basis for the proposed labeling program.”¹² Those criteria come from a 2022 NIST white paper, which developed its criteria “based on” the three-part NIST Internal Report (“NISTIR”) 8259 series.¹³ The 8259 series in turn developed its criteria using NIST’s prior work in NISTIR 8228 (“Considerations for Managing Internet of Things (IoT) Cybersecurity and Privacy Risks”), among other publications.¹⁴ The NPRM also incorporates by reference NISTIR 8425 (“Profile of the IoT Core Baseline for Consumer IoT Products”), which applies the NISTIR 8259 series to consumer products.¹⁵

For stakeholders to meaningfully engage with just this one aspect of the Commission’s NPRM—the substantive cybersecurity standards—they will need to review a robust and technically complex record, which some interested stakeholders have not previously participated in. But these standards represent only one of the many novel facets of the program proposed in the NRPM. Indeed, the NPRM also contemplates the creation of a new national registry containing information about all participating devices or products, a new set of bodies modeled on (but distinct from) Telecommunications Certification Bodies to determine compliance with

¹² NPRM ¶ 27.

¹³ See *Recommended Criteria for Cybersecurity Labeling for Consumer Internet of Things (IoT) Products*, NIST, at 4 n.5 (Feb. 4, 2022), <https://doi.org/10.6028/NIST.CSWP.02042022-2> (“[T]hese criteria are developed based on NISTIRs 8259A and 8259B”); see also NISTIR 8259, *Foundational Cybersecurity Activities for IoT Device Manufacturers* (May 2020), <https://doi.org/10.6028/NIST.IR.8259>; NISTIR 8259A, *IoT Device Cybersecurity Capability Core Baseline* (May 2020) (“NISTIR 8259A”), <https://doi.org/10.6028/NIST.IR.8259A>; NISTIR 8259B, *IoT Non-Technical Supporting Capability Core Baseline* (Aug. 2021), <https://doi.org/10.6028/NIST.IR.8259B>.

¹⁴ See NISTIR 8259A at 3.

¹⁵ NPRM ¶ 7; see also NISTIR 8425, *Profile of the IoT Core Baseline for Consumer IoT Products* (Sep. 2022), <https://doi.org/10.6028/NIST.IR.8425>.

the program, and an enforcement structure that may subject entities participating in the voluntary program to FCC enforcement authority.¹⁶

Thus, in this posture—a highly complex proceeding with many fundamental questions still to be answered—good cause exists for an extension of time. Indeed, the Commission has repeatedly permitted “an extension of time [to] allow parties to provide the Commission with fulsome comments.”¹⁷ And this rationale applies doubly here, given the “voluminous and detailed record” of technical cybersecurity documents referenced by the NPRM and the “complicated issues involved” in the proceeding.¹⁸ Industry also expects a detailed record to develop here, necessitating, at a minimum, an extension of the reply comment period.

B. The Breadth Of Affected Stakeholders Warrants An Extension.

Finally, the diversity and sheer number of stakeholders that will be affected by this first-of-its-kind labeling scheme counsels strongly in favor of a comment period that is longer than 30 days (and, thus, an extension of time), and a reply comment period greater than 15 days after the comment due date. As the Commission explains, there are more than “25 billion connected IoT devices predicted to be in operation by 2030.”¹⁹ These devices exist in an ecosystem consisting of device manufacturers and importers, software developers, service providers, individual

¹⁶ NPRM ¶¶ 25, 37, 65.

¹⁷ *Incarcerated People’s Commc’ns Services*, Order, WC Docket Nos. 23-62, 12-375, ¶ 6 (rel. June 1, 2023); *see also Rates for Interstate Inmate Calling Servs.*, Order, WC Docket No. 12-375, ¶ 4 (rel. Jan. 5, 2023); *Targeting & Eliminating Unlawful Text Messages*, Order, CG Docket No. 21-402, ¶ 5 (rel. Nov. 18, 2022) (granting request for extension because of, *inter alia*, “parties’ interest in more fully developing the record in this proceeding”).

¹⁸ *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Inv.*, Order Granting Extension of Time, WC Docket No. 17-84, ¶ 4 (rel. July 19, 2022); *see also Allocation of Spectrum for Non-Fed. Space Launch Operations*, 36 FCC Rcd. 10373, 10374, ¶ 4 (2021) (granting extension because of “the technical complexity of issues in th[e] proceeding”).

¹⁹ NPRM ¶ 1.

consumers, enterprise users, and many other entities. Against this backdrop, the requested extension will “cause no significant delay,” and will not cause “harm to any party in the proceeding.”²⁰ To the contrary, any delay here will *protect* the numerous stakeholders whose interests are implicated by the Commission’s novel proposed labeling scheme. Further, many of the stakeholders impacted will need to coordinate with one another. Thus, the “unique, precedent-setting importance” of this proceeding—which will affect “millions of” stakeholders—counsels in favor of additional “time to adequately examine the record, reach out to impacted stakeholders, and provide robust comments for the record.”²¹

III. CONCLUSION

For the foregoing reasons, the undersigned trade associations respectfully request that the FCC provide a 60-day comment cycle, with comments due on October 24, 2023, and a 45-day reply comment cycle, with reply comments due on December 8, 2023.

²⁰ See *Targeting & Eliminating Unlawful Text Messages*, Order, CG Docket No. 21-402, ¶ 4 (rel. Nov. 18, 2022).

²¹ *Section 63.71 Application of Embarq Fla., Inc. d/b/a Centurylink, A Lumen Co., for Auth. Pursuant to Section 214 of the Commc’ns Act of 1934, As Amended, to Discontinue A Telecommunications Serv.*, Order, 36 FCC Rcd. 15212, 15213–14, ¶¶ 3–5 (2021) (quotations omitted); *Allocation of Spectrum for Non-Fed. Space Launch Operations*, 36 FCC Rcd. 10373, ¶¶ 3–4 (2021) (citing fact that “policy issues” had “potential to impact the entire . . . industry” when granting extension of comment and reply-comment deadlines (quotations omitted)).

Respectfully submitted,

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