

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

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

ORDER GRANTING EXTENSION OF TIME

Adopted: September 15, 2023

Released: September 15, 2023

Comment Date: October 6, 2023

Reply Comment Date: November 10, 2023

By the Chief, Public Safety and Homeland Security Bureau:

1. By this Order, the Public Safety and Homeland Security Bureau (PSHSB) grants, in part, two Motions for Extension of Time (Motions) filed by (1) a “Joint Trade Association” and (2) a coalition of organizations including the Alliance for Automotive Innovation; Information Technology Industry Council (ITI); National Electrical Manufacturers Association (NEMA); Security Industry Association (SIA); and U.S. Chamber of Commerce (Coalition), which request an extension of time for filing comments and reply comments in the above-captioned proceeding. The Joint Trade Association Motion is filed on behalf of 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). Both Motions seek an extension of 30 days for filing comments and an extension until 45 days after the comment deadline for filing reply comments.<sup>1</sup> No opposition to the Motions have been filed. For the reasons stated below, PSHSB finds that moderate extensions of both the comment and reply comment deadlines are warranted and thus extends the comment and reply comment dates to October 6, 2023, and November 10, 2023, respectively.

2. On August 6, 2023, the Federal Communications Commission (Commission) adopted a Notice of Proposed Rulemaking (NPRM) seeking comment on a proposed voluntary cybersecurity labeling program to provide consumers with clear information about the security of their Internet of Things (IoT) devices.<sup>2</sup> The NPRM seeks comment on who should oversee and manage the program, how to develop the security standards that could apply to different types of devices or products, how to demonstrate compliance with those security standards, and how to safeguard the cybersecurity label

<sup>1</sup> Joint Trade Assn Request for Extension of Comment Deadline, PS Docket No. 23-239 (filed Aug. 31, 2023), <https://www.fcc.gov/ecfs/document/1083129729263/1> (Joint Trade Association Motion); and Letter to Marlene H. Dortch, Secretary FCC, PS Docket No. 23-239 (filed Sept. 6, 2023), <https://www.fcc.gov/ecfs/document/10906649602666/1> (Coalition Motion).

<sup>2</sup> *Cybersecurity Labeling for Internet of Things*, PS Docket No. 23-239, Notice of Proposed Rulemaking, FCC 23-65 (2023).

against unauthorized use, amongst other considerations.<sup>3</sup> On August 25, 2023, the Office of the Federal Register published the NPRM, indicating in the summary that comments must be filed on or before September 25, 2023, and reply comments must be filed on or before October 10, 2023.<sup>4</sup>

3. On August 31, 2023, the Joint Trade Association filed a Motion requesting a 30-day extension of the comment filing deadline, i.e., October 24, 2023, and an extension of the reply comment deadline until 45 days after the comment filing deadline, i.e., December 8, 2023.<sup>5</sup> The Joint Trade Association argues that there is good cause to grant these extensions, due to “(1) the highly technical and complex nature of the NPRM, and (2) the breadth of affected stakeholders.”<sup>6</sup> In support of their request, the Joint Trade Association asserts that the NPRM “asks more than 120 questions,”<sup>7</sup> and that answers to these questions require “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.”<sup>8</sup> Further, they argue that the industry of IoT devices exists “in an ecosystem consisting of device manufacturers and importers, software developers, service providers, individual consumers, enterprise users, and many other entities,”<sup>9</sup> and that stakeholders in this ecosystem “will need to coordinate with one another.”<sup>10</sup> In view of these considerations, the Joint Trade Association “expects a detailed record to develop here, necessitating, at a minimum, an extension of the reply comment period.”<sup>11</sup>

4. On September 6, 2023, the Coalition filed a Motion similarly requesting the comment and reply comment deadlines be extended to October 24, 2023, and December 8, 2023, respectively.<sup>12</sup> The Coalition Motion asserts that the extensions are needed “to give the private sector sufficient time to assess the potential effects of the rulemaking and develop thoughtful comments for the Commission’s consideration.”<sup>13</sup> In support of these requests, the Coalition argues that the NPRM comments are “likely to be substantial,” and that “stakeholders will need more time than what is being allotted to evaluate them and respond to the Commission.”<sup>14</sup>

5. While we find some relief is warranted to accommodate the concerns raised, we find that the full relief requested would unnecessarily delay the timely consideration of these issues by the Commission. Rather, we believe that a moderate extension to both the comment and reply comment deadlines will provide the needed time within which parties can organize and coordinate their input to the Commission. In view of the above, we grant a 11-day extension of time to file comments and extension of time to file reply comments in this proceeding until 35 days after the comment date. We are of the

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<sup>3</sup> *Id.*

<sup>4</sup> Federal Communications Commission, Cybersecurity Labeling for Internet of Things, Proposed Rule, 88 Fed. Reg. 58211 (Aug. 25, 2023).

<sup>5</sup> Joint Trade Association Motion at 2.

<sup>6</sup> *Id.* at 2.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.* at 3.

<sup>9</sup> *Id.* at 5-6.

<sup>10</sup> *Id.* at 6.

<sup>11</sup> *Id.* at 5.

<sup>12</sup> Coalition Motion at 1.

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

opinion that extending the comment deadline beyond 11 days is unnecessary in view of the dozens of comments already received in the record, thereby indicating that a robust record will develop without needing a 30-day extension. In providing a lengthier reply comment period, we also take note of the Joint Trade Association's argument that the comments received are likely to result in a "detailed" record, and provide more parity with respect to both the length of the comment period and the reply comment period.<sup>15</sup> As set forth in section 1.46 of the Commission's rules,<sup>16</sup> the Commission does not routinely grant extensions of time for filing comments. In this case, however, the extension requests are unopposed and will allow commenters sufficient time to file meaningful comment and reply comments and still provide a robust record on which the Commission can make a decision. We therefore partially grant the unopposed Motions and extend the comment and reply comment deadlines to October 6, 2023, and November 10, 2023, respectively.

6. Accordingly, **IT IS ORDERED** that, pursuant to section 4(i)-(j) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i)-(j), and sections 0.204, 0.392, and 1.46 of the Commission's rules, 47 CFR §§ 0.204, 0.392, 1.46, the Motions for Extension of Time are **GRANTED IN PART AND OTHERWISE DENIED**.

7. **IT IS FURTHER ORDERED** that the date to file comments and reply comments in response to the NPRM **ARE EXTENDED** to October 6, 2023, and November 10, 2023, respectively.

FEDERAL COMMUNICATIONS COMMISSION

Debra Jordan  
Chief  
Public Safety and Homeland Security Bureau

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<sup>15</sup> Joint Trade Association Motion at 5.

<sup>16</sup> 47 CFR § 1.46.