

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

In the Matter of )  
 )  
Petition of American Hotel & Lodging ) RM-11737  
Association, Marriott International, Inc., and )  
Ryman Hospitality Properties for a Declaratory )  
Ruling to Interpret 47 U.S.C. § 333 or, in the )  
Alternative, for Rulemaking )

To: The Commission

**COMMENTS  
OF THE  
ENTERPRISE WIRELESS ALLIANCE**

The Enterprise Wireless Alliance (“EWA” or “Alliance”), in accordance with Section 1.415(a) of the Federal Communications Commission (“FCC” or “Commission”) rules and regulations, respectfully submits the following comments in response to the above-identified Petition (“Petition”).<sup>1</sup> The Petition seeks a declaratory ruling from the FCC that Section 333 of the Communications Act does not prohibit a Wi-Fi network operator from using FCC-authorized equipment to manage its network, even if doing so prevents guests on the operator’s property from using unlicensed Part 15 devices as Wi-Fi hotspots. Alternatively, it requests that the FCC initiate a rulemaking proceeding to make explicit in its rules the extent, if any, to which Wi-Fi operators are permitted to “interfere” with unlicensed Part 15 devices under those circumstances. Because this issue is complex and involves competing public policy considerations, specifically ubiquitous Internet access and the security of the Internet from predatory influences, EWA urges

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<sup>1</sup> Petition of American Hotel & Lodging Association, Marriott International, Inc., and Ryman Hospitality Properties for a Declaratory Ruling to Interpret 47 U.S.C. 333 or, in the Alternative, for Rulemaking, *Public Notice*, Report No. 3012, RM-11737 (rel. Nov. 19, 2014).

the Commission to undertake a rulemaking and adopt rules that clarify this important issue for the benefit of Wi-Fi network operators and consumers.

EWA represents a broad alliance of business enterprise users, service providers, radio dealers and technology manufacturers. Its members include Fortune 100 companies with extensive properties, many of which are equipped with Wi-Fi networks operated for the benefit of their employees and invited guests. They also include manufacturers of unlicensed Part 15 devices capable of providing access to the Internet through wireless hotspots. The Alliance's members, like all Americans, are keenly aware of growing cybersecurity threats, but also rely on ubiquitous Internet access to conduct their business activities, as well as personal matters. Thus, the FCC's action in this proceeding will have a profound effect on EWA's members.

The Petition raises an issue of vital concern to the Commission and to the American public, whose telecommunications activities it governs: Where should the balance be struck between freedom for consumers to use FCC-approved devices when and where they choose and the right, indeed the necessity, of allowing Wi-Fi network operators to use other FCC-authorized equipment to deter serious attacks on and permit appropriate management of their networks? Both are important public policy objectives and, at least in EWA's opinion, the current rules do not address the issue clearly, providing appropriate notice of their rights and obligations to both consumers and operators. A rulemaking proceeding in which these issues can be fully and openly vetted appears to the Alliance to be the appropriate vehicle for resolving this multi-faceted question.

For these reasons, EWA urges the Commission to initiate a rulemaking proceeding as proposed in the Petition.

**ENTERPRISE WIRELESS ALLIANCE**

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