

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

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

**COMMENTS OF
XIRRUS, INC.**

**Shane Buckley
Chief Executive Officer
Xirrus, Inc.
2101 Corporate Center Drive
Thousand Oaks, CA 91320**

January 17, 2015

INTRODUCTION

Xirrus, Inc. submits these comments in support of the AHLA Petition.

Xirrus is a leading provider of high-performance wireless networks. Xirrus solutions perform under the most demanding circumstances, offering consistent "wired-like" performance with superior coverage and security. The Xirrus suite of Wi-Fi optimized solutions – Arrays, access points, cloud services, and wired switches – provide seamless connectivity and unified management across the network. Xirrus provides a vital strategic business and IT infrastructure advantage to industries and customers that depend on wireless to operate business and mission critical applications. With tens of thousands of customer solutions deployed globally, Xirrus maintains operations and partnerships across the globe. Xirrus is a privately held company and is headquartered in Thousand Oaks, CA.

DISCUSSION

The products and services provided by Xirrus are comparable to others in the 802.11 industry, to include Aruba Networks and Ruckus Wireless, Inc. (Joint Commentators in the instant matter per the Joint Comments submitted on December 19, 2014.) Of great relevance, Xirrus is in fact referenced in the Petition (see footnote 18, page 12) as an example of an equipment manufacturer whose products are directly relevant to (and now impacted by) the issues at hand. As such, Xirrus has a direct interest in the outcome of this current matter, and believes itself to be well qualified to comment now.

Xirrus is well aware of the underlying facts and history that has led to the filing of the current AHLA Petition. Xirrus has reviewed applicable filings relating to the matter at issue, to include the October 3, 2014 Consent Decree (FCC File No.EB-IHD-13-00011303), the initial Petition of AHLA, Comments of selected parties which have indicated support and general agreement with the arguments and relief requested in the Petition, and the Reply Comments in Support of Petition for Declaratory Ruling or, in the Alternative, For Rulemaking, submitted January 5, 2015.

In the interests of brevity, Xirrus will not go into great depth on either the technical or legal arguments that are relevant to this matter. Xirrus believes that the August 25, 2014 Petition has significant merit, raises appropriate points and arguments, and deserves full evaluation and action by the FCC. Xirrus finds that the arguments raised by all Comments which have indicated support of the Petition are well made, correctly argued, and fully supported by applicable citations, etc. There is no need for Xirrus to

reiterate the key technical and legal points that have already been so ably presented in the Petition, the Reply, and in Comments supportive of the Petition.

Xirrus notes that most of the focus of the Petition and supporting Comments appear to be on the hospitality industry and related commercial enterprises which provide Wi-Fi connectivity to customers and guests. While Xirrus has not reviewed the entirety of other Comments submitted in this matter, a sampling of Comments in opposition, particularly those from private citizens, all appear to focus on issues and concerns relating to the unique commercial/for profit interests of the hospitality industry and of customers and guests of such properties. Xirrus respectfully suggests that the issues at hand are far broader than only having relevance to or impact on hotel operators and guests.

The Petition does also include relevant discussion of and citations to a variety of network management systems and policies of a number of prominent U.S. universities. The prevalence of such systems and policies among U.S. universities points out the special needs and circumstances that such organizations and institutions must deal with in their network environments. Similarly, the Joint Comments properly note the special concerns of select network operators (e.g. K-12 schools, libraries, etc.) regarding the so-called “G” rated airspace. Xirrus believes that the members of this segment of the full Wi-Fi user and network operator community have needs that are every bit as relevant and as important as the key constituents of the Petitioners. And those needing “G” rated airspace or comparable network controls for education and/or public services purposes are now as confused as are the Petitioners and the other parties who have indicated support for the Petition.

It is relevant to note that Xirrus has a significant percentage of its business in educational institutions and organizations, e.g. universities, school districts, etc. Certain Xirrus education customers have in fact reached out to Xirrus seeking guidance and assistance in response to the Consent Decree and the current uncertainty surrounding network operations, use of deauthentication frames, and interpretation of the applicable statutory and regulatory requirements now at the heart of the Petition. These customer inquiries, essentially “what do we do now?” queries, point to the significant uncertainty that exists for industry providers and network operators given the Consent Decree. These “cries for help” serve to amplify the key request of the Petition, i.e. that the Commission take immediate action and declare that the use of deauthentication techniques are allowed to enable education institutions and organizations to manage the content in their airspace and ensure their networks are “G” rated.”

The “G” rating as applied to network operations is no mere euphemism. Rather, it is an appropriate designation that spotlights the unique concerns of the applicable organizations which must deal with federally mandated content filtering (e.g. the Children’s Internet Protection Act). Xirrus believes that the proper use of de-authentication systems will allow the applicable organizations to prevent students from connecting to their own hotspots and circumventing the federally mandated content filtering that is required for applicable entities. Absent full and appropriate clarification by the Commission on the appropriate and lawful uses of deauthentication technology, as is requested by the Petition, Xirrus and its education and related customers (e.g. schools, libraries, and other institutions) are left adrift in terms of resolving how to limit the distribution of inappropriate content to minors. The proper resolution and solution to this current dilemma for this network operator segment should be for the Commission to issue an appropriate Declaratory Ruling via which it is made clear that the use of deauthentication techniques is an appropriate and necessary use of the technology in education environments to ensure the air waves stay “G” rated and the students are fully and adequately protected.

CONCLUSION AND SPECIFIC REQUEST FOR ACTION BY THE COMMISSION

In order to provide guidance and clarification to network operators and users, and with particular emphasis on and attention to the special interests and needs of the education segment and related non-commercial network operators such as school districts, libraries, etc., Xirrus specifically implores the Commission to:

1. As requested by the Petition, declare that the operation of FCC-authorized equipment by a Wi-Fi network operator to manage its network on its premises or within the confines of facilities under the control of the network operator does not violate Section 333 of the Act, even if such operation, to include the use of deauthentication packets, may impact the operation of a Part 15 device used by a person using or present within the premises under the administration of the network operator
2. Declare that Part 15 devices are not “stations” as the term is used in Section 333.
3. Declare that transmission and use of 802.11 network management or deauthentication frames, at least at a minimum by network operators seeking to ensure compliance with their applicable obligations to provide and ensure the integrity of a “G” rated network, does not give rise to “interference” under Section 333 of the Act as same is defined in or has been interpreted under the Act or under Commission rules.

In the alternative, as requested by the Petition, the Commission should initiate a rulemaking proceeding to amend its Part 15 rules to specify what interference to Part 15 devices Section 333 prohibits, to include specific attention to the needs and interests of university, school district, library and related non-commercial network operators seeking to comply with applicable statutory and regulatory obligations to provide "G" rated networks.

Respectfully submitted,

XIRRUS, INC.

/s/ Shane Buckley
Shane Buckley
Chief Executive Officer
Xirrus, Inc.
2101 Corporate Center Drive
Thousand Oaks, CA 91320