



Via Electronic Comment Filing System

September 9, 2019

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: *Notice of ex parte filing of Small UAV Coalition*, Petition to Adopt Service Rules for Unmanned Aircraft Systems (UAS) Command and Control in the 5030-5091 MHz Band, RM-11798

Dear Ms. Dortch:

By this letter, and pursuant to Sections 1.1206 of the Commission’s rules,¹ the Small UAV Coalition (“Coalition”) files this letter in response to the Aerospace Industries Association’s (“AIA”) filing in the above-captioned proceeding.²

In its *Supplemental Petition*, AIA references discussions held with the Coalition and CTIA to refine its proposal for a flexible regulatory framework that enables command and control operations to support unmanned aircraft systems (“UAS”).³ While the *Supplemental Petition* does incorporate a number of clarifications the Coalition discussed with AIA, the Coalition seeks to ensure the Commission is aware of three key points discussed with AIA.

No Precedential Value. As the Coalition expressed in discussions with AIA, the pace of innovation and the range of spectrum options for such innovation provides companies with maximum flexibility to research, develop and deploy spectrum-based solutions. An overall concern with initiating this proceeding is that absent a clear understanding of its scope, decisions made in this proceeding could set precedent for decisions the Commission will be called upon to make in other proceedings related to UAS spectrum needs. The Coalition was given assurances by AIA that it agreed with the concern and that its intention was not to have this proceeding set precedent for UAS operations in other bands. AIA makes this point in its *Supplemental Petition* and the Coalition wishes to underscore its importance to continued innovation for UAS operations.⁴

¹ 47 C.F.R. § 1.1206.

² Aerospace Industries Association, Supplement to Petition for Rulemaking, Petition to Adopt Service Rules for Unmanned Aircraft Systems (UAS) Command and Control in the 5030-5091 MHz Band, RM-11798, filed June 26, 2019 (“*Supplemental Petition*”).

³ *Id.* at 1.

⁴ *Supplemental Petition* at 2 (“[I]ndustry wishes to foster the development and implementation of a regulatory framework sufficiently flexible to maximize the utilization of the limited aviation safety C-band spectrum resources



Scope of Operations. Throughout the discussions between the Coalition and AIA, representations were made that the service and operational rules sought by AIA would only be applicable to large drones at high altitudes. By emphasizing *large* drones, the Coalition understood AIA’s intention would be that the CNPC links would be for drones well over 55 pounds and that *high altitudes* was meant to be Class A airspace, which generally is 18,000 feet above ground level and higher. Those restrictions, however, are not in the *Supplemental Petition*. This limitation on applicability should have been included in the *Supplemental Petition*.

Spectrum Roadmap. Finally, the Coalition expressed its strong disagreement with AIA’s assertion that “now is the time to reinforce the process for identifying and securing access to additional frequency bands by...creat[ing] a comprehensive roadmap ensuring access to both current and future spectrum allocations for these critical operations.”⁵ The Coalition agrees that available spectrum is critical to ensure the safety and reliability of UAS operations in low altitude airspace. Spectrum will be used for almost every aspect of commercial UAS operations, including control links, electronic identification and tracking, payload communications and de-confliction. Research presented to the FAA Drone Advisory Committee confirms that currently licensed LTE networks should be explored as an option for non-payload command and control communications and other spectrum opportunities are available. Unlicensed opportunities also exist and many companies are exploring them. More important than a “roadmap” is the Commission’s continued promotion of service and technical rules that promote flexible uses of spectrum and do not inhibit UAS operations without evidence of interference. Where specialized uses are found, spectrum rules designed to address those unique needs may be warranted.

The Coalition appreciates the opportunity to update the record in this proceeding and continuing to work with all stakeholders to ensure the UAS ecosystem continues to develop innovative solutions to ensure safe and reliable commercial operations.

Please direct any questions to the undersigned.

Gregory W. Guice
McGuire Woods Consulting, LLC
2001 K Street, NW
Washington, DC 20006
(202) 857-2916
Counsel for Small UAV Coalition

that are currently identified for CNPC link operations, as well as accommodating use of other spectrum bands identified in the future by the Commission for UAS communications.)

⁵ *Id.* at 6-7.