



January 2, 2024

Via Electronic Mail

National Telecommunications and Information Administration
Office of Spectrum Management
Herbert C. Hoover Building
1401 Constitution Avenue, NW
Washington, DC 20230
NSSImplementationPlan@ntia.gov

Re: Response to Notice of Opportunity for Public Input (Implementation of the National Spectrum Strategy).

To Whom It May Concern:

The Commercial Drone Alliance (CDA)¹ respectfully submits this letter in response to the Notice of Opportunity for Public Input (Notice) released by the National Telecommunications and Information Administration (NTIA). In the Notice, NTIA seeks feedback on implementing the National Spectrum Strategy (Strategy).²

At a high level, the CDA appreciates the federal government's efforts to promote innovation and U.S. leadership in wireless and related technologies. The CDA wholeheartedly agrees that a spectrum pipeline is critical to ensuring U.S. leadership in advanced and emerging technologies, including uncrewed aviation. The CDA applauds NTIA's inclusion of uncrewed aircraft systems (UAS) in the Strategy, and looks forward to working with the federal government to continue the safe integration of UAS into the National Airspace System (NAS) for the benefit of the American public.

More particularly, for the reasons stated below, the CDA urges the NTIA, Federal Aviation Administration (FAA), and Federal Communications Commission (FCC) to pursue "near-term action" to facilitate deployment of UAS in the 5030-5091 MHz band, as referenced in the

¹ The CDA is an independent non-profit organization led by key members of the commercial drone industry. The CDA brings together commercial drone end-users; manufacturers; service providers; advanced air mobility (AAM) companies; drone security companies; and vertical markets, including oil and gas, precision agriculture, construction, security, communications technology, infrastructure, newsgathering, filmmaking, and more. The CDA works with federal policymakers to craft policies that enable industry growth and educate the public on the safe, responsible use of commercial drones to achieve economic benefits and humanitarian gains. For more information, visit www.commercialdronealliance.org.

² Department of Commerce, NTIA, Notice of Opportunity for Public Input, *Implementation of the National Spectrum Strategy* (Nov. 29, 2023), <https://www.ntia.gov/sites/default/files/publications/ntia-nss-implementation-public-notice.pdf>.

Strategy, as quickly as possible.³ The NTIA, FAA, and FCC should pursue such action simultaneously with other UAS-related policymaking initiatives – such as the long awaited adoption of commercial UAS rules enabling flight beyond visual line of sight– to expedite and continue the safe integration of UAS into our aviation system.

The CDA applauds the White House and NTIA for recognizing spectrum’s critical role enabling new, innovative uses of technology, including UAS. As the Strategy acknowledges, “spectrum plays a significant – but often unacknowledged – role in Americans’ daily lives,” and “[f]uture demand for spectrum-based . . . technologies is expected to grow substantially.”⁴ The Strategy identifies the 5030-5091 MHz band as one band in which the U.S. government is conducting ongoing efforts to repurpose the spectrum.⁵ We urge the government to move forward expeditiously to enable UAS use of the 5030-5091 MHz band. Any resulting requirements for UAS operators utilizing the 5030-5091 MHz band should be performance and risk-based, appropriate for the complexity of the specific operation, and not extend to UAS operations or functions relying on frequencies outside of the 5030-5091 MHz spectrum. Moreover, given the diversity of aircraft and use cases, we urge the federal government to provide flexibility to operators to select the optimal bands out of all available spectrum with appropriate characteristics for their UAS operations, including, but not limited to, the 5030-5091 MHz band. The federal government should not extend the requirements for use of the 5030-5091 MHz band to other spectrum bands being used to support UAS. We encourage continued work to make additional licensed and unlicensed spectrum, including flexible use spectrum, available to support UAS and promote continued innovation and growth.

UAS provide immense benefits to society, including: (1) assistance with law enforcement, fire, accident, and natural disaster responses; (2) creating jobs and enhancing worker safety by inspecting and monitoring industrial equipment, communications towers, and critical infrastructure; (3) keeping Americans healthy by delivering life-saving medical equipment, prescriptions, and other necessary supplies, especially in rural areas; (4) promoting sustainable and environmentally friendly transportation solutions; and (5) ensuring America’s continued leadership in aviation innovation.⁶ Many of these benefits will be amplified and expanded to even more communities across America if UAS operators are provided with access to dedicated spectrum.

Recognizing these benefits and the potential for licensed spectrum to further facilitate UAS operations, the FCC in January 2023 sought comment on a Notice of Proposed Rulemaking (NPRM) regarding UAS use of the 5030-5091 MHz band.⁷ The UAS community responded by filing roughly seventy

³ The White House, *The National Spectrum Strategy* at 6 (Nov. 13, 2023) (“Strategy”).

⁴ *Id.* at 1, 4.

⁵ *Id.* at 5.

⁶ Comments of the Commercial Drone Alliance, WT Docket No. 22-323, at 2 (Mar. 9, 2023), <https://www.fcc.gov/ecfs/document/103091151604011/1>.

⁷ See *Spectrum Rules and Policies for the Operation of Unmanned Aircraft Systems*, WT Docket No. 22-323, Notice of Proposed Rulemaking, FCC 22-101 (Jan. 4, 2023) (seeking comment on rules to govern UAS use of 5030-5091 MHz band); FCC, *Spectrum Rules and Policies for the Operation of Unmanned Aircraft Systems*, 88 Fed. Reg. 7910, 7911 (Feb. 7, 2023) (establishing March 9 and April 10 comment dates).

comments, creating a robust record on the issues raised in the NPRM.⁸ Since building this record, the FCC has not taken further public action in this proceeding.

To maintain U.S. leadership in aviation, the government has a critical role in making the 5030-5091 MHz band available for UAS as quickly as possible. The Strategy's recent release – and its identification of the 5030-5091 MHz band for near-term action, in particular – represent an opportunity for the FCC, NTIA, and FAA to expeditiously resume work on enabling UAS access to the band. The Strategy's reference to additional studies in the band should not delay the FCC in adopting rules to facilitate productive and beneficial UAS use of this spectrum.⁹ Indeed, interference issues in the 5030-5091 MHz band have already been explored in depth,¹⁰ and further study should not delay access to this spectrum.

The CDA looks forward to continuing its work with federal partners on these cross-agency efforts. Thank you for your consideration.

Respectfully,



Lisa Ellman
Executive Director
Commercial Drone Alliance

⁸ See FCC, Electronic Comment Filing System (ECFS), WT Docket No. 22-323 (last visited Dec. 9, 2023) (showing 73 filings, including FCC releases).

⁹ Strategy at 6.

¹⁰ For example, RTCA has been studying these issues for over a decade, developing standards for both airborne and ground radios operating in the 5030-5091 MHz band.