



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

800 Independence Ave., S.W.  
Washington, D.C. 20591

August 19, 2015

Exemption No. 11239A  
Regulatory Docket No. FAA-2014-0838

Mr. G. Brent Connor  
Counsel for Southern Company Services, Inc.  
Thompson Hine LLP  
1919 M Street, NW, Suite 700  
Washington, DC 20036-3537

Dear Mr. Connor:

This letter is to inform you that we have granted your petition for an amendment. It explains the basis for our decision, describes its effect, and lists any changes to the original conditions and limitations.

By letter dated June 4, 2015, you petitioned the Federal Aviation Administration (FAA) on behalf of Southern Company Services, Inc. (hereinafter petitioner or operator) for an amendment to your current exemption. That exemption from §§ 61.23(a) and (c), 61.101(e)(4) and (5), 61.113(a), 61.315(a), 91.7(a), 91.119(c), 91.121, 91.151(a)(1), 91.405(a), 91.407(a)(1), 91.409(a)(1) and (2), and 91.417(a) and (b) of Title 14, Code of Federal Regulations (14 CFR) allows the petitioner to operate a UAS to perform aerial data collection<sup>1</sup>. You requested an amendment to add the DJI Inspire 1, DJI Phantom 2 Vision Plus, SenseFly eBee and SkyCatch unmanned aircraft systems (UAS), additionally you requested commercial operation for aerial inspection of utility infrastructure and to conduct flight training<sup>2</sup> and demonstration.

In your petition, you indicate that there has been no change in the conditions and reasons relative to public interest and safety that were the basis for granting the original exemption.

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<sup>1</sup> Aerial data collection includes any remote sensing and measuring by an instrument(s) aboard the UA. Examples include imagery (photography, video, infrared, etc.), electronic measurement (precision surveying, RF analysis, etc.), chemical measurement (particulate measurement, etc.), or any other gathering of data by instruments aboard the UA.

<sup>2</sup> The petitioner requested authority to conduct UAS training. At this time, the FAA is unable to authorize UAS operations for training until a further assessment is completed. When the FAA completes its review, we will proceed accordingly and no further action will be required by the petitioner. However, the petitioner is permitted to train its own pilot in commands and visual observers in accordance with condition no. 14 and the other conditions and limitations in this exemption.

The FAA has determined that good cause exists for not publishing a summary of the petition in the Federal Register because the requested amendment to the exemption would not set a precedent, and any delay in acting on this petition would be detrimental to the petitioner. The unmanned aircraft authorized in the original grant are comparable in type, size, weight, speed and operating capabilities to those in this petition.

#### **Discussion of Public Comments:**

The FAA received two comments in opposition to the petition, two in support, and two from the petitioner. In granting this exemption, the FAA has determined that the proposed operations can safely be conducted under the conditions and limitations of this exemption. As with exemptions issued to Aeryon Lab, Astraeus Aerial, Clayco, Inc., and VDOS Global, LLC, failure to comply with the document's conditions and limitations is grounds for immediate suspension or rescission of the exemption.

#### **Airworthiness Certification**

In accordance with the statutory criteria provided in Section 333 of Public Law 112–95 in reference to 49 U.S.C. § 44704, and in consideration of the size, weight, speed, and limited operating area associated with the aircraft and its operation, the Secretary of Transportation has determined that this aircraft meets the conditions of Section 333. Therefore, the FAA finds that relief from 14 CFR part 21, *Certification procedures for products and parts, Subpart H—Airworthiness Certificates*, and any associated noise certification and testing requirements of part 36, is not necessary.

#### **Our Decision**

The FAA has determined that the justification for the issuance of Exemption No. 11239A remains valid and is in the public interest. Therefore, under the authority contained in 49 U.S.C. 106(f), 40113, and 44701, delegated to me by the Administrator, the operator is granted an amendment to add new aircraft to its UAS operations.

The operator shall add this amendment to its original exemption.

#### **Conditions and Limitations**

All conditions and limitations within Grant of Exemption No. 11239A remain in effect except as follows. Condition No. 1 has been updated to reflect the additional aircraft.

Failure to comply with any of the conditions and limitations of this grant of exemption will be grounds for the immediate suspension or rescission of this exemption.

1. Operations authorized by this grant of exemption are limited to the SkyRanger, the DJI Inspire 1, DJI Phantom 2 Vision Plus, SenseFly eBee and SkyCatch when weighing less than 55 pounds including payload. Proposed operations of any other aircraft will require a new petition or a petition to amend this exemption.

This exemption terminates on March 31, 2017, unless sooner superseded or rescinded.

Sincerely,

/s/

John S. Duncan

Director, Flight Standards Service

June 4, 2015

*Via Regulations.gov*

U.S. Department of Transportation  
Docket Management System  
1200 New Jersey Avenue, S.E.  
Washington, D.C. 20590

Re: Docket No. FAA-2014-0838, Petition for Amendment to Exemption No.  
11239, Southern Company Services, Inc.

Dear Sir or Madam:

Southern Company Services, Inc. ("Southern" or "Petitioner") hereby requests an amendment to FAA Exemption No. 11239, Docket No. FAA-2014-0838, to allow for the use of the following unmanned aircraft systems ("UAS"), in addition to the Aeryon Skyranger, and for the additional purpose of aerial inspection of utility infrastructure and to conduct flight training and demonstration:

- DJI Inspire 1
- DJI Phantom 2 Vision Plus
- SenseFly eBee
- SkyCatch

The small UAS authorized in the original grant, the Aeryon Skyranger, is comparable in type, size, weight, speed and operating capabilities to those listed above and the subject of this petition.

The FAA previously determined the airworthiness of the DJI Inspire 1 in Exemption No. 11295 (RoboFlight Systems LLC) and Exemption No. 11279 (CineDrones, LLC). The FAA previously determined the airworthiness of the DJI Phantom 2 Vision Plus in Exemption No. 11260 (First Flight Photography, LLC) and Exemption No. 11295 (RoboFlight Systems LLC). The FAA previously determined the airworthiness of the SenseFly eBee in Exemption No. 11441 (Eagle UAV Services) and Exemption No. 11285 (Chustz Surveying, Inc.). Lastly, the FAA previously determined the airworthiness of the SkyCatch in Exemption No. 11109 (Clayco, Inc.) and Exemption No. 11343 (Woolpert, Inc.).

All operations of the additional UAS will be in full compliance with the terms of our current FAA Exemption No. 11239 (the "Exemption"). Condition/limitation number one of the Exemption will need to be modified to include the DJI Inspire 1,

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DJI Phantom 2 Vision Plus, the SenseFly eBee and the SkyCatch aircraft. The description of the operating documents will also need to be modified to include DJI's, SenseFly's and SkyCatch's technical manuals for these aircraft. Other than an expansion of the purposes, the addition of the aircraft listed above, and the operating documents, there will be no change in the conditions and reasons relative to public safety that were the basis for the initial grant of exemption. Technical manuals for the aircraft listed above have already been submitted in connection with FAA's previous airworthiness determinations.<sup>1</sup>

Since the requested amendment to Southern's exemption would not set any precedent or raise any novel issue, and because Petitioner seeks to begin these operations without delay, Southern respectfully requests the FAA to determine that good cause exists to dispense with publication of the summary of this petition in the Federal Register and grant the requested amendment expeditiously by summary means.

Based on the foregoing, Petitioner hereby requests that the FAA grant this petition and provide such further relief as deemed appropriate for the operations proposed herein.

Please feel free to contact the undersigned if you should have any questions.

Respectfully submitted,



G. Brent Connor  
Jason D. Tutrone  
Counsel for Southern Company Services, Inc.

Cc: James Williams, FAA  
Robert Pappas, FAA  
Dexter Lewis, Southern Company Services, Inc.  
Joe Schatz, Southern Company Services, Inc.  
Griff Waters, Southern Company Services, Inc.

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<sup>1</sup> To the extent that the FAA requires another submission of the technical manuals, Southern would be happy to comply with FAA's request.

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