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

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

September 17, 2015

Exemption No. 12901
Regulatory Docket No. FAA−2015−2672

Mr. Dave Siegler
Vice President Technical Operations
Cox Media Group, LLC
6205 Peachtree Dunwoody Road, NE.
Atlanta, GA 30328

Dear Mr. Siegler:

This letter is to inform you that we have granted your request for exemption. It transmits our decision, explains its basis, and gives you the conditions and limitations of the exemption, including the date it ends.

By letter dated June 5, 2015, you petitioned the Federal Aviation Administration (FAA) on behalf of Cox Media Group, LLC (hereinafter petitioner or operator) for an exemption. The petitioner requested to operate an unmanned aircraft system (UAS) to conduct aerial photography, videography, and cinematography to support newsgathering.

See Appendix A for the petition submitted to the FAA describing the proposed operations and the regulations that the petitioner seeks an exemption.

The FAA has determined that good cause exists for not publishing a summary of the petition in the Federal Register because the requested exemption would not set a precedent, and any delay in acting on this petition would be detrimental to the petitioner.

Airworthiness Certification

The UAS proposed by the petitioner are the DJI Phantom 3 Advanced, DJI Phantom 3 Professional, DJI Phantom 2, and DJI Inspire 1.

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.

The Basis for Our Decision

You have requested to use a UAS for aerial data collection[1]. The FAA has issued grants of exemption in circumstances similar in all material respects to those presented in your petition. In Grants of Exemption Nos. 11062 to Astraeus Aerial (*see* Docket No. FAA−2014−0352), 11109 to Clayco, Inc. (*see* Docket No. FAA−2014−0507), 11112 to VDOS Global, LLC (*see* Docket No. FAA−2014−0382), and 11213 to Aeryon Labs, Inc. (*see* Docket No. FAA−2014−0642), the FAA found that the enhanced safety achieved using an unmanned aircraft (UA) with the specifications described by the petitioner and carrying no passengers or crew, rather than a manned aircraft of significantly greater proportions, carrying crew in addition to flammable fuel, gives the FAA good cause to find that the UAS operation enabled by this exemption is in the public interest.

Having reviewed your reasons for requesting an exemption, I find that—

- They are similar in all material respects to relief previously requested in Grant of Exemption Nos. 11062, 11109, 11112, and 11213;
- The reasons stated by the FAA for granting Exemption Nos. 11062, 11109, 11112, and 11213 also apply to the situation you present; and
- A grant of exemption is in the public interest.

Our Decision

In consideration of the foregoing, I find that a grant of exemption is in the public interest. Therefore, pursuant to the authority contained in 49 U.S.C. 106(f), 40113, and 44701, delegated to me by the Administrator, Cox Media Group, LLC is granted an exemption from 14 CFR §§ 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), to the extent necessary to allow the petitioner to operate a UAS to perform aerial data collection. This exemption is subject to the conditions and limitations listed below.

[1] 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.

Conditions and Limitations

In this grant of exemption, Cox Media Group, LLC is hereafter referred to as the operator.

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 DJI Phantom 3 Advanced, DJI Phantom 3 Professional, DJI Phantom 2, and DJI Inspire 1when 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.

2. Operations for the purpose of closed-set motion picture and television filming are not permitted.

3. The UA may not be operated at a speed exceeding 87 knots (100 miles per hour). The exemption holder may use either groundspeed or calibrated airspeed to determine compliance with the 87 knot speed restriction. In no case will the UA be operated at airspeeds greater than the maximum UA operating airspeed recommended by the aircraft manufacturer.

4. The UA must be operated at an altitude of no more than 400 feet above ground level (AGL). Altitude must be reported in feet AGL.

5. The UA must be operated within visual line of sight (VLOS) of the PIC at all times. This requires the PIC to be able to use human vision unaided by any device other than corrective lenses, as specified on the PIC's FAA-issued airman medical certificate or U.S. driver's license.

6. All operations must utilize a visual observer (VO). The UA must be operated within the visual line of sight (VLOS) of the PIC and VO at all times. The VO may be used to satisfy the VLOS requirement as long as the PIC always maintains VLOS capability. The VO and PIC must be able to communicate verbally at all times; electronic messaging or texting is not permitted during flight operations. The PIC must be designated before the flight and cannot transfer his or her designation for the duration of the flight. The PIC must ensure that the VO can perform the duties required of the VO.

7. This exemption and all documents needed to operate the UAS and conduct its operations in accordance with the conditions and limitations stated in this grant of exemption, are hereinafter referred to as the operating documents. The operating documents must be accessible during UAS operations and made available to the Administrator upon request. If a discrepancy exists between the conditions and limitations in this exemption and the procedures outlined in the operating documents,

the conditions and limitations herein take precedence and must be followed. Otherwise, the operator must follow the procedures as outlined in its operating documents. The operator may update or revise its operating documents. It is the operator's responsibility to track such revisions and present updated and revised documents to the Administrator or any law enforcement official upon request. The operator must also present updated and revised documents if it petitions for extension or amendment to this grant of exemption. If the operator determines that any update or revision would affect the basis upon which the FAA granted this exemption, then the operator must petition for an amendment to its grant of exemption. The FAA's UAS Integration Office (AFS−80) may be contacted if questions arise regarding updates or revisions to the operating documents.

8. Any UAS that has undergone maintenance or alterations that affect the UAS operation or flight characteristics, e.g., replacement of a flight critical component, must undergo a functional test flight prior to conducting further operations under this exemption. Functional test flights may only be conducted by a PIC with a VO and must remain at least 500 feet from other people. The functional test flight must be conducted in such a manner so as to not pose an undue hazard to persons and property.

9. The operator is responsible for maintaining and inspecting the UAS to ensure that it is in a condition for safe operation.

10. Prior to each flight, the PIC must conduct a pre-flight inspection and determine the UAS is in a condition for safe flight. The pre-flight inspection must account for all potential discrepancies, e.g., inoperable components, items, or equipment. If the inspection reveals a condition that affects the safe operation of the UAS, the aircraft is prohibited from operating until the necessary maintenance has been performed and the UAS is found to be in a condition for safe flight.

11. The operator must follow the UAS manufacturer's maintenance, overhaul, replacement, inspection, and life limit requirements for the aircraft and aircraft components.

12. Each UAS operated under this exemption must comply with all manufacturer safety bulletins.

13. Under this grant of exemption, a PIC must hold either an airline transport, commercial, private, recreational, or sport pilot certificate. The PIC must also hold a current FAA airman medical certificate or a valid U.S. driver's license issued by a state, the District of Columbia, Puerto Rico, a territory, a possession, or the Federal government. The PIC must also meet the flight review requirements specified in 14 CFR § 61.56 in an aircraft in which the PIC is rated on his or her pilot certificate.

14. The operator may not permit any PIC to operate unless the PIC demonstrates the ability to safely operate the UAS in a manner consistent with how the UAS will be operated under this exemption, including evasive and emergency maneuvers and maintaining appropriate distances from persons, vessels, vehicles and structures. PIC qualification flight hours and currency must be logged in a manner consistent with 14 CFR § 61.51(b). Flights for the purposes of training the operator's PICs and VOs (training, proficiency, and experience-building) and determining the PIC's ability to safely operate the UAS in a manner consistent with how the UAS will be operated under this exemption are permitted under the terms of this exemption. However, training operations may only be conducted during dedicated training sessions. During training, proficiency, and experience-building flights, all persons not essential for flight operations are considered nonparticipants, and the PIC must operate the UA with appropriate distance from nonparticipants in accordance with 14 CFR § 91.119.

15. UAS operations may not be conducted during night, as defined in 14 CFR § 1.1. All operations must be conducted under visual meteorological conditions (VMC). Flights under special visual flight rules (SVFR) are not authorized.

16. The UA may not operate within 5 nautical miles of an airport reference point (ARP) as denoted in the current FAA Airport/Facility Directory (AFD) or for airports not denoted with an ARP, the center of the airport symbol as denoted on the current FAA-published aeronautical chart, unless a letter of agreement with that airport's management is obtained or otherwise permitted by a COA issued to the exemption holder. The letter of agreement with the airport management must be made available to the Administrator or any law enforcement official upon request.

17. The UA may not be operated less than 500 feet below or less than 2,000 feet horizontally from a cloud or when visibility is less than 3 statute miles from the PIC.

18. If the UAS loses communications or loses its GPS signal, the UA must return to a pre-determined location within the private or controlled-access property.

19. The PIC must abort the flight in the event of unpredicted obstacles or emergencies.

20. The PIC is prohibited from beginning a flight unless (considering wind and forecast weather conditions) there is enough available power for the UA to conduct the intended operation and to operate after that for at least five minutes or with the reserve power recommended by the manufacturer if greater.

21. Air Traffic Organization (ATO) Certificate of Waiver or Authorization (COA). All operations shall be conducted in accordance with an ATO-issued COA. The exemption holder may apply for a new or amended COA if it intends to conduct operations that cannot be conducted under the terms of the attached COA.

22. All aircraft operated in accordance with this exemption must be identified by serial number, registered in accordance with 14 CFR part 47, and have identification (N−Number) markings in accordance with 14 CFR part 45, Subpart C. Markings must be as large as practicable.

23. Documents used by the operator to ensure the safe operation and flight of the UAS and any documents required under 14 CFR §§ 91.9 and 91.203 must be available to the PIC at the Ground Control Station of the UAS any time the aircraft is operating. These documents must be made available to the Administrator or any law enforcement official upon request.

24. The UA must remain clear and give way to all manned aviation operations and activities at all times.

25. The UAS may not be operated by the PIC from any moving device or vehicle.

26. All Flight operations must be conducted at least 500 feet from all nonparticipating persons, vessels, vehicles, and structures unless:
    a. Barriers or structures are present that sufficiently protect nonparticipating persons from the UA and/or debris in the event of an accident. The operator must ensure that nonparticipating persons remain under such protection. If a situation arises where nonparticipating persons leave such protection and are within 500 feet of the UA, flight operations must cease immediately in a manner ensuring the safety of nonparticipating persons; and
    b. The owner/controller of any vessels, vehicles or structures has granted permission for operating closer to those objects and the PIC has made a safety assessment of the risk of operating closer to those objects and determined that it does not present an undue hazard.

    The PIC, VO, operator trainees or essential persons are not considered nonparticipating persons under this exemption.

27. All operations shall be conducted over private or controlled-access property with permission from the property owner/controller or authorized representative. Permission from property owner/controller or authorized representative will be obtained for each flight to be conducted.

28. Any incident, accident, or flight operation that transgresses the lateral or vertical boundaries of the operational area as defined by the applicable COA must be reported to the FAA's UAS Integration Office (AFS−80) within 24 hours. Accidents must be reported to the National Transportation Safety Board (NTSB) per instructions contained on the NTSB Web site: www.ntsb.gov.

If this exemption permits operations for the purpose of closed-set motion picture and television filming and production, the following additional conditions and limitations apply.

29. The operator must have a motion picture and television operations manual (MPTOM) as documented in this grant of exemption.

30. At least 3 days before aerial filming, the operator of the UAS affected by this exemption must submit a written Plan of Activities to the local Flight Standards District Office (FSDO) with jurisdiction over the area of proposed filming. The 3-day notification may be waived with the concurrence of the FSDO. The plan of activities must include at least the following:
    a. Dates and times for all flights;
    b. Name and phone number of the operator for the UAS aerial filming conducted under this grant of exemption;
    c. Name and phone number of the person responsible for the on-scene operation of the UAS;
    d. Make, model, and serial or N−Number of UAS to be used;
    e. Name and certificate number of UAS PICs involved in the aerial filming;
    f. A statement that the operator has obtained permission from property owners and/or local officials to conduct the filming production event; the list of those who gave permission must be made available to the inspector upon request;
    g. Signature of exemption holder or representative; and
    h. A description of the flight activity, including maps or diagrams of any area, city, town, county, and/or state over which filming will be conducted and the altitudes essential to accomplish the operation.

31. Flight operations may be conducted closer than 500 feet from participating persons consenting to be involved and necessary for the filming production, as specified in the exemption holder's MPTOM.

Unless otherwise specified in this grant of exemption, the UAS, the UAS PIC, and the UAS operations must comply with all applicable parts of 14 CFR including, but not limited to, parts 45, 47, 61, and 91.

This exemption terminates on September 30, 2017, unless sooner superseded or rescinded.

Sincerely,
/s/

John S. Duncan
Director, Flight Standards Service

Enclosures

Before the
FEDERAL AVIATION ADMINISTRATION
Washington, DC 20591

In the Matter of	)	
	)	
Cox Media Group	)	Docket No. __
WSB-TV, Channel 2, Atlanta	)	
	)	
	)	

COX MEDIA GROUP FOR WSB-TV, CHANNEL 2, ATLANTA
PETITION FOR EXEMPTION
SUMMARY GRANT REQUESTED

Pursuant to Section 333 of the FAA Modernization and Reform Act of 2012 ("FMRA") and 14 C.F.R. Part 11, Cox Media Group, LLC ("CMG") respectfully requests an exemption from the Federal Aviation Administration ("FAA") Regulations listed in Section III[1] to permit commercial aerial photography, cinematography, videography, and other flight operations to support newsgathering using unmanned aircraft systems ("UAS"). CMG is working closely with the Georgia Tech Research Institute ("GTRI") on this matter.

Under Section 333 of the FMRA and 14 C.F.R. Part 11, the FAA may grant exemptions to permit commercial UAS operations that will be conducted within the conditions outlined herein or as may be established by the FAA as required by Section 333. The FAA recently used this authority to authorize sUAS for newsgathering, the same relief requested herein, pursuant to summary grant procedures.[2] CMG respectfully requests a similar summary grant for the reasons set forth below.

CMG seeks authority to use the DJI Phantom 3 Professional, DJI Phantom 3 Advanced DJI Phantom 2, or DJI Inspire 1, all of which have been previously approved by the FAA in past grants of exemptions,[3] for newsgathering and to limit operations to less than 60 miles per hour and away from airports. This exemption petition is also accompanied by the CMG Operations Manual and relevant User Guides that will depict all contingencies.

The contact information for the applicant is:
Dave Siegler
Vice President Technical Operations

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[1] *See infra* Section III.

[2] *See* Exemption No. 11408, ArrowData, LLC, Docket No. FCC-2015-0131 (Apr. 22, 2015).

[3] *See, e.g.*, Exemption No. 11481 (granting an exemption for the DJI Phantom 3 Professional and DJI Phantom 3 Advanced); Exemption No. 11153, Burnz Eye View, Inc., Docket No. FAA-2014-05819 (granting a Section 333 exemption for the DJI Phantom 2); Exemption No. 11153A, Burnz Eye View, Inc. (amending Exemption No. 11153 and granting a Section 333 exemption for the DJI Inspire).

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I. CMG's Proposed Operations

The enclosed Operations Manual describes the policies and procedures for CMG's proposed operations with sUAS in detail. CMG seeks authority to utilize a small UAS ("sUAS") previously authorized by the FAA, specifically the DJI Phantom 3 Professional, DJI Phantom 3 Advanced, DJI Phantom 2, and DJI Inspire 1, within the confines of the "blanket" 200-foot COA,[4] previously granted conditions and limitations,[5] and the following safety criteria:

- Automatic termination of flight and immediate landing when the battery reaches a predetermined low state;
- Integrated global positioning system ("GPS");
- Failsafe modes of operation for either loss of radio control or GPS signal;
- A flight controller that will warn the pilot before reaching a low battery state;
- Firmware that includes a no fly zone feature to prevent accidental operation of the device in restricted airspace; and
- A top speed of less than 60 MPH.

All sUAS Pilots in Command ("PICs") acting as an employee or agent of CMG for its sUAS operations will have at least a recreational or sport certificate from the FAA and a valid driver's license (or appropriate medical certificate) with additional experience in unmanned aircraft operations.[6] The team composition will consist of a minimum of one pilot and one Visual Observer ("VO") during all operations, giving redundancy to the human element as well. Pilots will be well trained in areas of both normal and abnormal operations equipped with checklists and operations and maintenance manuals to be able to contend with any scenario.

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[4] The blanket COA requires sUAS operations to be at or below 200 feet, utilize an UAS weigh less than 55 pounds, operate during daytime Visual Flight Rules ("VFR") conditions, operate within visual line of sight ("VLOS") of the pilots, and stay certain distances away from airports or heliports. FAA, FAA Streamlines UAS COAs for Section 333 (Mar. 24, 2015), http://www.faa.gov/news/updates/?newsId=82245.

[5] Specifically, CMG agrees to the conditions and limitations of Exemption No. 11213, Aeryon Labs, Inc., Docket No. FAA-2014-0642, to the extent the conditions and limitations are more permissive than the blanket COA.

[6] *See* "FAA Summary Grants Speed UAS Exemptions," avail. at: https://www.faa.gov/news/updates/?newsId=82485.

II. An Exemption Will Advance the Public Interest

A. Both CMG and GTRI Have Sufficient Experience to Conduct Safe sUAS Operations

CMG proudly carries on the tradition of James M. Cox, who founded corporate parent, Cox Enterprises, Inc. in 1898, with his purchase of the *Dayton Evening News* (now the *Dayton Daily News*). As the owner of several dozen television and radio stations, CMG has successfully and safely used helicopters to deliver breaking news and traffic reports to the public for many years.

CMG has closely followed the developments in UAS over the last several years and has partnered with the GTRI to further research and development in this area, including developing training and operation procedures specific to newsgathering. GTRI has conducted research with UASs for over ten years and has received approximately 75 Certificates of Authorization ("COA") for a variety of aircraft types, including fixed-wing and rotary-wing vehicles, including two of the UAS at issue here – the DJI Phantom 2 and DJI Inspire 1. Of the 75 COAs, more than two dozen remain active. In addition, GTRI maintains a qualified UAS operations team that includes four licensed and current pilots, three of whom are experienced radio control pilots. Additional members of the flight team have completed ground school and passed the written exam. All essential members of the GTRI flight team have class 2 medical certificates and have been through crew resource management training.

B. CMG's Proposed UAS Operations Are in the Public Interest and Would Not Adversely Affect Safety

The public interest weighs heavily in favor of granting an exemption for aerial photography and videography for newsgathering to CMG and GTRI. Recently, the FAA granted a request for newsgathering via UAS.[7]

CMG believes that, like in previous decisions, "the enhanced safety achieved using an unmanned aircraft (UA) with the specifications described by the petitioner and carrying no passengers or crew, rather than a manned aircraft of significantly greater proportions, carrying crew in addition to flammable fuel, gives the FAA good cause to find that the UAS operation enabled by this exemption is in the public interest."[8] Just as the FAA has "found that UAS provide an additional tool for the filmmaking industry, adding a greater degree of flexibility, which supplements the current capabilities offered by manned aircraft," the FAA should find that further photography and videography operations provide a similarly safe, additional tool which is in public interest.[9] Similar to movies and videography, each news assignment may require a completely different shot or view of a scene. With budgets for traditional helicopter use being greatly reduced, the UAS is the perfect solution to allow for easy newsgathering for a fraction of

[7] *See* Exemption No. 11408.

[8] Exemption No. 11407 at 2 to UAV-IQ LLC (Apr. 22, 2015) (citing Exemption Nos. 11062, 11109, 11112, and 11213).

[9] *Id.*

the cost. CMG intends to utilize the operations described in this petition to develop further safe techniques for UAS photography and videography.

III. The Extent of Relief CMG Seeks and the Reason It Seeks Such Relief

A. The FAA Possess the Statutory Authority to Grant This Exemption

The FAA has general authority to grant exemptions from FAA safety regulations and minimum standards after making a determination that such exemptions are in the public interest.[10] Moreover, the FAA may grant the regulatory relief CMG seeks under Section 333 of the FMRA and Part 11 of the FAA's rules. Under Section 333, the FAA may allow "certain unmanned aircraft systems" to "operate safely in the national airspace system before completion" of the rulemaking to allow UAS generally into the NAS.[11] The FMRA identifies key criteria to guide the analysis of exemption requests such as "size, weight, speed, operational capability, proximity to airports and populated areas," and the risk to national security, among others.[12] Thus, "[i]f the Secretary determines under this section that certain unmanned aircraft systems may operate safely in the national airspace system, the Secretary shall establish requirements for the safe operation of such aircraft systems in the national airspace system."[13]

B. Granting Relief From Certain Regulations Will Not Adversely Affect Public Safety

CMG specifically requests exemption from the following regulations to the extent necessary to allow CMG to operate UAS for the purpose of its operations: 14 C.F.R. §§ 61.23(a) and (c), 61.101(e)(4) and (5), 61.113(a), 61.315(a), 91.7(a), 91.119, 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).

As a general matter, CMG's operations will provide an equivalent level of safety during its operations. Unlike a manned helicopter, the sUAS being employed is lightweight, has no flammable fuel or other lubricants, operates at very slow speeds, and stays well below any conflicting air traffic thereby providing, an equivalent level of safety when compared to currently employed manned aircraft.

The proposed sUAS to be employed is less than 55 lbs. when outfitted with all equipment and batteries. There are no flammable liquids or other hazardous materials that would propose a danger to the public or event participants. Accordingly, no threat to national security exists. All activities will be closely monitored by a team of aviation professionals and use a system with redundancies in all areas. The equivalent level of safety will be achieved through the employment of flight manual and maintenance manual procedures, pilot training, and analytical risk management.

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[10] 49 U.S.C. § 40109(b).

[11] FMRA § 333, 126 Stat. 11, 75 (2012).

[12] *Id.*

[13] *Id.*

As a threshold matter, CMG requests that the FAA determine that its proposed operations are similar to other grants for videography and photography and that the proposed operations meet the conditions of Section 333.[14] Therefore, CMG need not request, nor the FAA grant, relief of part 21, *Certification procedures for products and parts, Subpart H—Airworthiness Certificates*, and related noise certification and testing requirements of part 36. Likewise, following current practice, CMG believes that it is not necessary to request relief from (i) 14 C.F.R. § 45.23(b), *Display of marks: general*, because CMG agrees that its UAS will be identified by serial number, registered in accordance with 14 C.F.R. part 45, Subpart C. Markings will be as large as practicable per § 45.29(f).

1. 14 C.F.R. § 61.23(a) and (c), Medical certificates: Requirement and duration

In accordance with recently announced FAA policies,[15] CMG requests an exemption from 14 C.F.R. § 61.23(a) and (c), which requires PICs for certain operations to hold FAA-issued medical certificates or, for a smaller subset of operations, a valid U.S. driver's license. CMG's operators and VOs hold valid U.S. driver's licenses, but may not hold FAA-issued medical certificates. Therefore, it may not be able to comply with this regulation and requests an exemption. Because of the risk mitigations established in the conditions and limitations of the requested exemption, CMG believes that its PICs and VOs holding a U.S.-issued driver's license will not adversely affect safety.

2. 14 C.F.R. §§ 61.101(e)(4) and (5), Recreational pilot privileges and limitations; 61.113 (a) and (b), Private pilot privileges and limitations: Pilot in command; 61.315(a), What are the privileges and limits of my sport pilot certificate?

CMG requests exemptions from 14 C.F.R. §§ 61.101(e)(4) and (5); 61.113 (a) and (b); and 61.315(a) which prohibits individuals holding sport, recreational, or private pilot certificates from acting as the PIC of an aircraft that is carrying passengers or property for compensation or hire. As recognized by previous exemptions and recent FAA policy changes, individuals with sport, recreational, and private pilot certifications can and do operate sUAS safely.[16]

3. 14 C.F.R. § 91.7(a), Civil aircraft airworthiness

CMG requests an exemption from the civil aircraft worthiness requirement under 91.7(a). As discussed above, Section 333 permits the FAA to exempt aircraft from the requirements of an

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[14] *See, e.g.*, Exemption No. 11213.

[15] FAA, FAA Summary Grants Speed Exemptions (Apr. 9 2015), https://www.faa.gov/news/updates/?newsId=82485 ("A third class medical certificate is no longer required. Now, a Section 333 operator only needs a valid driver's license to satisfy the medical requirement.").

[16] Following the example of Exemption No. 11213, CMG believes similar relief from § 61.315(c)(2) and (3) is not necessary. However, should the FAA reach an opposite conclusion, CMG also requests relief from § 61.315(c)(2) and (3) to enable for compensation and hire operations by individuals holding sport pilot certificates.

airworthiness certificate upon consideration of the size, weight, speed, operational capability, and proximity to airports and populated areas of the identified sUAS, and the FAA has determined that such certificates are not necessary for UAS. Without such a certificate, CMG will be unable to comply with § 91.7(a). However, the FAA "has determined that for the purposes of this exemption the pilot may determine the aircraft is in an airworthy condition prior to flight. The FAA's regulations state that the PIC of a civil aircraft is responsible for determining whether the aircraft is in a condition for safe flight."[17] CMG requests the FAA make such a determination here. In addition, CMG urges the FAA to again find that relief from § 91.7(b) is not necessary.[18]

4. 14 C.F.R. 91.119, Minimum safe altitudes

CMG requests an exemption from 14 C.F.R. § 91.119 which provides for a minimum safe altitude requirement under which aircraft may operate. CMG's sUAS will operate below 400 AGL, and therefore below the required "minimum safe altitudes."[19] Just operating at the low proposed heights limits overall risk. The current altitude and/or horizontal restrictions on rotorcraft assume a much heavier manned aircraft loaded with fuel and possible external stores. Furthermore, by operating at such lower altitudes, the sUAS will not interfere with aircraft that are subject to the minimum safe altitude regulations. CMG proposes to use an sUAS previously authorized by the FAA and all of these devices have a successful safety record. This record demonstrates that the sUAS can be safely used at these lower altitudes and closer operating environments. The lightweight sUAS being proposed for use in this activity along with its precise guidance and redundant systems create an entirely different paradigm that should be considered by regulatory bodies. The activities being proposed by this petitioner are in a very controlled and open area. CMG also will be working with the experienced and renowned GTRI UAS team. CMG intends to conduct extensive training with its operators.

5. 14 C.F.R. § 91.121, Altimeter settings

CMG requests an exemption from 14 C.F.R. § 91.121, which requires a person operating an aircraft to maintain cruising altitude or flight level by reference to an altimeter that is set to the elevation of the departure airport or barometric pressure. An exemption is required because the sUAS ultimately deployed may not have a barometric altimeter, but rather incorporates radio altimetry via the onboard GPS. An equivalent level of safety will be achieved through use of the operations and maintenance manuals governing altitude control. CMG will confirm the altitude of the launch site shown on the GPS altitude indicator before flight. The PIC will use the GPS altitude indicator to continuously monitor the sUAS's height, thus ensuring operation at safe altitudes.

[17] Exemption No. 11213 at 11.

[18] *Id.*

[19] *See, e.g., id.* at 11-12 (exempting petitioner from 91.119(c)).

6. 14 C.F.R. § 91.151(b), Fuel requirements for flight in VFR conditions

CMG requests an exemption from 14 C.F.R. § 91.151(b), which restricts the operations of rotorcrafts under VFR conditions unless (considering wind and forecast weather conditions) there is enough fuel to fly to the first point of intended landing and, assuming normal cruising speed, to fly after that for at least 20 minutes.

The batteries that power the sUAS CMG intends to use will have a mission life of less than one hour. The DJI Phantom 3 Professional and DJI Phantom 3 Advanced have maximum flight times of approximately 23 minutes. The DJI Phantom 2 has a maximum flight time of 25 minutes with a fully charged battery, and the DJI Inspire 1 has a maximum flight time of approximately 18 minutes. Given the limited battery life and low maximum speeds, CMG urges an exemption from the 20 minute reserve requirement. The Commission has granted exemptions from this requirement to permit use of the aforementioned sUAS models with a five minute battery reserve requirement.[20] CMG requests similar treatment.

7. 14 C.F.R. §§ 91.405(a), 91.407(a)(1) and (2); 91.409(a)(2); and 91.417(a) and (b), Maintenance Inspections

CMG requests an exemption from 14 C.F.R. §§ 91.405(a), 91.407(a)(1) and (2); 91.409(a)(2); and 91.417(a) and (b) which specify maintenance and inspection standards in reference to 14 C.F.R. Part 43. An exemption to these regulations is needed because Part 43 and these sections only apply to aircraft with an airworthiness certificate, which the sUAS will not have.

All maintenance and inspections will be conducted in accordance with the Operations Manual for the sUAS selected by CMG for videography. The proposed operations will allow for an almost immediate safe recovery and landing if a malfunction occurs, providing a comfortable operating envelope and ensuring an equivalent level of safety. CMG's sUAS operations will achieve an equivalent level of safety through maintenance and inspections performed in accordance with the sUAS Operations Manual. As provided in the operations manual, the operator will ensure that the sUAS is in working order prior to initiating flight, perform required maintenance, and keep a log of any maintenance performed. The operator is the person most familiar with the aircraft and best suited to maintain the aircraft in an airworthy condition to provide the equivalent level of safety.

IV. Summary for Publication in the Federal Register

Pursuant to 14 C.F.R. § 11.81, the following summary may be published in the Federal Register:

Applicant seeks relief from the following rules: 14 C.F.R. §§ 61.23(a) and (c), 61.101(e)(4) and (5), 61.113(a), 61.315(a), 91.7(a), 91.119, 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).

[20] *See, e.g.*, Exemption No. 11481 to Explosives Risk Managers LLC, Docket No. FAA–2015–0217 at 5 (May 1, 2015).

Cox Media Group, LLC, in partnership with the Georgia Technology Research Institute, requests an exemption from the above rules to undertake commercial videography and aerial photography operations utilizing unmanned aircraft systems ("UAS") and conduct tests regarding such operations. These operations will use highly dependable, multi-redundant UAS away from population centers subject to tight controls, risk management, and best practice mitigation strategies to ensure public safety. CMG will operate under the stricter of the conditions and limitations set forth in the blanket COA and Exemption No. 11213 to Aeryon Labs Inc. The operations, including the attendant extensive safety measures, will provide a satisfactory level of safety to the FAA and public.

V. Conclusion

For the reasons set forth above, the FAA should grant the requested exemption in full and enable the proposed exciting and safe UAS operations.

Respectfully submitted,

COX MEDIA GROUP, LLC

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Enclosures:
- CMG Operations Manual
- DJI Phantom 2 User Manual

DJI Phantom 3 Professional, DJI Phantom 3 Advanced, and DJI Phantom 2 User Manuals are incorporated by reference and are available at:
- DJI Phantom 3 Professional – http://download.dji-innovations.com/downloads/phantom_3/en/Phantom_3_Professional_User_Manual_v1.2_en.pdf
- DJI Phantom 3 Advanced – http://download.dji-innovations.com/downloads/phantom_3/en/Phantom_3_Advanced_User_Manual_v1.2_en.pdf
- DJI Inspire 1 – http://download.dji-innovations.com/downloads/phantom_2/en/PHANTOM2_User_Manual_v1.4_en.pdf