

Now is Your Chance to be Heard on the FCC's New Proposed Drone Regulations

Alert

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The 30-day clock is about to start for comments on the Federal Communications Commission's (FCC) [Notice of Proposed Rulemaking](#) seeking industry input on whether and how to regulate the wireless communications used to operate unmanned aircraft systems (released January 4, 2023).

Although drone use is primarily regulated by the Federal Aviation Administration, the FCC's proposed rulemaking announces the development of rules and regulations for coordinating and using wireless communications links in the 5030-5091 MHz band to improve the reliability of drone operations. Drone operators depend on wireless links to their aircraft, and the FCC determined that the licensed spectrum is capable of supporting such activities.

However, as drone use proliferates, so too does potential and actual interference with the frequencies used by drone operators to pilot their aircraft in service of a variety of mission-critical operations. Interference and related command-and-control issues can be particularly problematic in dense areas, such as cities or industrial centers, where multiple drone users attempt contemporaneous operations—such as inspection, emergency services, search and rescue, supply, photography, and private recreation.

To address these potential issues, the FCC is proposing, among other new rules, a licensing system for drone operators that could result in assigned spectrum blocks in certain geographic areas. This could be similar to current industrial radio licensing—and therefore include the benefits, but also the drawbacks and administrative costs associated with such licenses.

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Accordingly, the FCC seeks to understand how industry, emergency services, and the general public have been impacted by control frequency interference, and what measures or licensing requirements these stakeholders recommend to facilitate effective coordination in the spectrum range.

“The FCC must ensure that our spectrum rules meet the current—and future—spectrum needs of evolving technologies such as unmanned aircraft systems, which can be critical to disaster recovery, first responder rescue efforts and wildfire management,” FCC Chairwoman [Jessica Rosenworcel](#) said.

Comments will be due 30 days after the notice's publication in the *Federal Register* (which is expected within the next several days). Reply comments will be due 30 days thereafter.

Conclusion

If you use drones in your operations, are considering doing so, or have any concerns about others using drones, use this opportunity to submit comments. The experienced attorneys at Stinson can help you evaluate potential impacts and draft comments. Without participation or advocacy, the eventual rule adopted by the FCC may not reflect your or your industry's concerns.

Also, please note that if you use drones and are engaged in government contracting, changes are coming regarding the kinds of drones and drone services that can be used by, or sold to, the federal government or used by those that do business with the federal government. Section 817 of the recently enacted National Defense Authorization Act for Fiscal Year 2023 provides for promulgation of regulations to prohibit the use and sale of certain foreign-made unmanned aerial drones to the federal government and to prohibit their use by government contractors.

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