

ALERT

FCC Report Recommends Opening Up Portion of the C-Band for Drones

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On August 27, 2020, the Federal Communications Commission's (FCC or Commission) Wireless Telecommunications Bureau and Office of Engineering and Technology released a report on spectrum usage for unmanned aircraft system (UAS or drone) operations (FCC Section 374 Report), recommending that the Commission begin a rulemaking to develop service and licensing rules for UAS use of the 5030-5091 MHz band.

The FAA Reauthorization Act of 2018 Section 374 directed the Federal Aviation Administration (FAA), FCC, and the National Telecommunications and Information Administration (NTIA) to submit a report to Congress on whether UAS should be allowed to operate on spectrum in the L-band (960-1164 MHz) and C-band (5030-5091 MHz), whose allocations by the World Radio Conferences in 2007 and 2012, respectively, permit those bands' use for UAS control links. The FCC's Section 374 Report addressed UAS use of these two bands and also discussed potential alternative frequencies.

First, the FCC Section 374 Report concluded that the unencumbered 5030-5091 MHz frequencies may support UAS operations, although technical, regulatory, and operational issues may affect the extent of such use. The report recommended that the Commission initiate a rulemaking proceeding to develop service and licensing rules enabling UAS use of the 5030-5091 MHz band in collaboration with the FAA and NTIA. The Aerospace Industries Association (AIA) filed a Petition for Rulemaking seeking the adoption of service and licensing rules to enable UAS use in the C-band in 2018, but the petition remains pending. Wiley's summary of the petition is available [here](#). The FCC's report acknowledges the AIA petition and the fact that "a large majority of commenters support the petition," but also notes

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Uncrewed Aircraft Systems (UAS)

that “opinions differ on the permissible uses and methods of licensing.”

Second, with respect to the L-band, the report noted concern about the impact of UAS operations on incumbent aeronautical navigation operations and did not recommend that the Commission move forward with a proceeding to make the L-band available for UAS. The report recommended instead that the Commission continue to study the use of the L-band for UAS purposes in conjunction with the FAA, NTIA, and other stakeholders.

Third, the report noted that alternative frequencies licensed under flexible use service rules could be a promising option for UAS communications, particularly for beyond visual-line-of-sight and other network-based use cases. The report cautioned, however, that it had not studied the potential for such uses to cause harmful interference to other operations. To that end, the report recommended the FCC “continue to review the use of flexible-use bands for UAS and to engage with Federal and private-sector stakeholders to determine whether interference concerns can be addressed adequately through private actions such as industry standards and agreements, or whether regulatory measures are necessary.”

Access to licensed spectrum will continue to be an important issue for expanded development and deployment of UAS operations. The FAA and NTIA have been working on their own reports in response to the Section 374 directive. Together, these agencies will help determine the future of UAS regulations, including on spectrum.