



*GPS Development, LLC
d/b/a SkyViewHD™
275 Eagle Knob Pointe
Lake Mary, FL 32746*

January 19, 2015

U. S. Department of Transportation
Docket Management System
1200 New Jersey Avenue SE
Washington, DC 20590

Re: Exemption Request Section 333 of the FAA Reform Act and Part 11 of the Federal Aviation Regulations from 14 C.F.R. 45.23(b);14 CFR Part 21;14 CFR 61.113 (a) & (b); 13 C.F.R. 61.133(a); 91.7 (a);91.9 (b) (2);91.103(b); 91.109;91.119; 91.121; 91.151(a);91.203(a) & (b);91.405 (a); 91.407(a) (1); 91.409 (a) (2);91.417 (a) & (b).

Dear Sir(s)/Madam(s):

Pursuant to Section 333 of the FAA Modernization and Reform Act of 2012 (“**Reform Act**”) and 14 C.F.R. Part 11, GPS Development, LLC d/b/a SkyViewHD™ (“**SkyViewHD**”), the operator of Small Ultralight Unmanned Aircraft - DJI Phantom 2 (“**UA**”), seeks an exemption from the Federal Aviation Regulations (“**FARs**”) as listed and discussed below.

SkyViewHD’s team has flown its UAs, for recreational purposes, for hundreds of hours without incident. SkyViewHD’s UAs are equipped to take aerial videography and photography to enhance awareness for those individuals and companies unfamiliar with the geographical layout of certain areas and augment real estate listings and promote the use of certain real estate properties which provides an enhancement to academic research being performed in certain geographical areas (“**purpose**”).

SkyViewHD’s exemption request will permit the operation of comparatively inexpensive UAs in tightly controlled, predetermined and limited airspace. This airspace will include areas away from general public, airports, heliports and vehicular traffic for community videos, and

within property boundaries for real estate listing videos and photos. Currently, similar lightweight, remote controlled UAs are legally operated by unmonitored and untrained amateur hobbyists with no safety plan or controls in place to prevent catastrophic events. SkyViewHD has created (and attached) confidential and detailed safety protocols and controls (“**SkyViewHD’s Confidential Protocols and Controls Exhibit**”)¹ to avoid and prevent public hazards as well as preventing the interference with manned aircraft which could cause a hazard or catastrophe. This acts to enhance safety protocols unique to SkyViewHD’s lightweight UAs being utilized specifically for real estate videography and photography. SkyViewHD records flight data and other information gained through permitted flight operations which may be shared with the FAA through any required FAA reports to assist with the development of future FAA protocols and safety regulations.

The use of SkyViewHD’s UAs for these purposes reduces the need to operate conventional aircraft, typically needed to perform these types of operations, provides an economic benefit to the business consumer as the SkyViewHD UAs provides higher quality imagery at a fraction of the cost of aerial videography and photography using conventional aircraft. These savings result in not only enhanced efficiency and productivity for the affected activities but added environmental and safety benefits to the public at large.

As described more fully below, SkyViewHD’s requested exemption would authorize commercial operations of aerial videography and photography, using SkyViewHD’s UAs, which will be operated under controlled conditions at an altitude of no greater than three hundred (300) feet AGL in airspace that is limited in scope and will have automated control features. SkyViewHD’s UAs will also be operated by an individual who has passed an FAA approved ground training exam. As outlined below, the airspace in which SkyViewHD’s UAs will operate within will be disclosed to the FAA in advance to flight operation. Finally, SkyViewHD’s UAs will be used in lieu of comparatively hazardous operations now conducted with fixed wing and rotary conventional aircraft which should reassure the FAA that these operations will achieve at least an equivalent level or greater level of safety.

In the interest of economic efficiency and public safety, SkyViewHD hereby respectfully applies for an exemption from the listed FARs to allow commercial operations of SkyView’s UAs, so long as such operations are conducted within and under the conditions outlined herein or as may be established by the FAA as required by Section 333. Approval of this exemption would thereby enhance safety and fulfill the Secretary of Transportation’s (“**Administrator**”) responsibilities under Section 333(c) of the Reform Act to “establish requirements for the safe operation of such aircraft systems in the national airspace system.”

¹ See Exhibit “1” - SkyViewHD’s Confidential Protocols and Controls.

As discussed above and more fully described below, the requested exemption would permit the operation of small, unmanned and relatively inexpensive UAs under controlled conditions in airspace that is limited and predetermined. Approval of this exemption would thereby enhance safety and fulfill the Administrator responsibilities to "...establish requirements for the safe operation of such aircraft systems in the national airspace system." Please see Section 333(c) of the Reform Act.

Additionally, the FAA has already granted a previous exemption which is essentially identical to the exemption being sought by SkyViewHD. Please see FAA Exemption No. 11138.

The name and address of the applicant is:

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REGULATIONS FROM WHICH THE EXEMPTION IS REQUESTED

- 14 C.F.R. Part 21
- 14 C.F.R. 45.23(b)
- 14 C.F.R. 61.113(a) & (b)
- 13 C.F.R. 61.133(a)
- 14 C.F.R. 91.7(a)
- 14 C.F.R. 91.9(b)(2)
- 14 C.F.R. 91.103
- 14 C.F.R. 91.109
- 14 C.F. R. 91.119
- 14 C.F.R. 91.121
- 14 C.F.R. 91.151(a)
- 14 C.F.R. 91.203(a) & (b)
- 14 C.F.R. 91.405(a)
- 14 C.F.R. 91.407(a)(1)
- 14 C.F.R. 91.409(a)(2)
- 14 C.F.R. 91.417(a) & (b)

This exemption application is expressly submitted to fulfill Congress' goal in passing Section 333(a) through (c) of the Reform Act. This law directs the Secretary of Transportation to consider whether certain unmanned aircraft systems may operate safely in the national airspace system (NAS) before completion of the rulemaking required under Section 332 of the Reform Act. In making this determination, the Secretary is required to determine which types of UAs do not create a hazard to users of the NAS or the public or pose a threat to national security in light of the following:

- The UA's size, weight, speed, and operational capability;
- Operation of the UAs in close proximity to airports and populated areas; and
- Operation of the UAs within visual line of sight (“VLOS”) of the operator.

Reform Act § 333 (a).

Lastly, if the Secretary determines that such vehicles “may operate safely in the national airspace system, the Secretary shall establish requirements for the safe operation of such aircraft in the national airspace system.” Id. §333(c) (emphasis added).²

The Federal Aviation Act expressly grants the FAA the authority to issue exemptions. This statutory authority by its terms includes exempting civil aircraft, as the term is defined under §40101 of the Act, that includes UAs, from the requirement that all civil aircraft must have a current airworthiness certificate.

The Administrator may grant an exemption from a requirement of a regulation prescribed under subsection (a) or (b) of this section or any sections 44702-44716 of this title if the Administrator finds the exemption in the public interest. 49 U.S.C. §44701(f). See also 49 USC §44711(a); 49 USC §44704; 14 CFR §91.203 (a) (1).

SkyViewHD's UAs are rotorcraft weighing less than five (5) pounds (2.26796 Kg) including energy source(s), equipment and any payload. They operate, under normal conditions at a ground speed of no more than thirty (30) knots and have the capability to hover, and move in the vertical and horizontal plane simultaneously. The UAs will operate only in line of sight and within the area described in SkyViewHD's Confidential Protocols and Controls Exhibit. Such operations will insure that the UA will “not create a hazard to users of the national airspace system or the public.”³

² SkyViewHD interprets this provision to place the duty on the Administrator to not only process applications for exemptions under section 333, but for the Administrator to craft conditions for the safe operation of the UA, if it should be determined that the conditions set forth herein do not fulfill the statutory requirements for approval.

³ Reform Act Section 333 (b).

Given the small size of the UAs involved and the restricted environment within which they will operate, SkyViewHD falls squarely within that zone of safety (an equivalent level of safety) in which Congress envisioned that the FAA must, by exemption, allow commercial operations of UAs to commence immediately. Also due to the size of the UAs and the restricted areas in which the relevant UAs will operate, approval of the application presents no national security issue. Given the clear direction in Section 333 of the Reform Act, the authority contained in the Federal Aviation Act, as amended; the strong equivalent level of safety surrounding the proposed operations, and the significant public benefit, including enhanced safety, reduction in environmental impacts, including reduced emissions associated with allowing UAs for aerial videography and photography operations, the grant of the requested exemptions is in the public interest. Additionally, there is economic efficiency created with the use of SkyViewHD's UAs as the typical cost to perform aerial videography and photography with helicopters and airplanes heavily multiplies the cost to business consumers and government agencies, including law enforcement, for the services which are to be provided by SkyViewHD.

THE EXTENT AND BASIS OF THE RELIEF SOUGHT BY SKYVIEWHD

SkyViewHD submits this application in accordance with the Reform Act, 112 P.L. 95 §§ 331-334, seeking relief from any currently applicable FARs operating that presently prevents SkyViewHD from contemplated commercial video-graphic, photographic and other flight operations within the national airspace system. The Reform Act in Section 332 provides for such integration of civil unmanned aircraft systems into our national airspace system as it is in the public's interest to do so. SkyViewHD's ultralight weight UAs meet the definition of "small unmanned aircraft" as defined in Section 331 and therefore the integration of SkyViewHD's ultralight weight UAs is expressly contemplated by the Reform Act. SkyViewHD would like to operate its ultralight weight UAs prior to the time period by which the Reform Act requires the FAA to promulgate rules governing such craft. Thereby, providing direct experience and valuable information for formal regulation that can be administered uniformly to all real estate related UA aerial videography and photography. The Reform Act guides the Administrator in determining the types of UAs that may operate safely in our national airspace system. These considerations include: weight, size, speed and overall capabilities of the UAs; whether the UAs will be operated near airports or heavily populated areas and; whether the UAs will be operated by line of sight.⁴ Each of these items is favorable to the grant of an exemption to SkyViewHD. SkyViewHD's UAs utilize four (4) counter-rotating propellers for balance, control and stability. SkyViewHD's UAs are equipped with GPS and auto return safety technology. SkyViewHD's UAs weigh less than five (5) pounds including camera and gimbal assembly.

⁴ 112 P.L. 95 § 333 (a).

SkyViewHD puts safety first when considering any UA flight. SkyViewHD's small UAs are designed to hover in place via GPS and operate in less than a 24 knot (27 mph) wind. In order to increase safety plus stability and limit harm and financial loss of property, SkyViewHD will not fly its UAs in winds exceeding 15 knots (17 mph). SkyViewHD's established safety systems include a GPS mode that allows its UAs to hover in place when radio controls are released. SkyViewHD's UAs have three modes to choose from, SkyViewHD utilizes the Smart Mode⁵ for aerial videography and photography. This mode is the safest, most reliable and stable mode to prevent accidents and being a hazard to others. When pilot communication is lost, SkyViewHD's UAs are designed to return then slowly descend to the point of takeoff. SkyViewHD does not operate its UAs near airports, hospitals, police heliports or news channel heliports. SkyViewHD does not operate its UAs in areas where general public is within fifty (50) to one hundred (100) yards depending on location, conditions and weather. SkyViewHD's pilots and observers are constantly on alert for any manned aircraft and prepared to immediately abort and land the UA at the nearest and safest ground point in the event a manned aircraft approaches or the SkyViewHD pilot or observer suspects a manned aircraft may approach the operating area of a SkyViewHD UA. SkyViewHD's UAs are capable of vertical and horizontal operations, and are flown only within my line of sight of the pilot. SkyViewHD's UA flights generally last fifteen (15) minutes with an altitude under three hundred (300) and utilize battery power rather than combustible fuels. SkyViewHD does not operate its UAs below the manufacturer's recommended minimum charge levels for operation preferring to remain well within a safe operating range to insure adequate communication between radio control and the UAs to eliminate potential for crashes, loss of control or hazard. Fully charged reserve batteries are on hand with to insure replacement for a sufficiently safe level of operation. SkyViewHD operates very conservatively and does believe in taking risks that may cause a crash or that could create hazard to the public, property and manned aircraft. SkyViewHD's pilots have logged numerous practice flights in order to simulate flights for future commercial use to gain familiarization with the characteristics of this specific UA's performance under different temperature and weather conditions.

SkyViewHD is extremely cautious when operating of its UAs and will not "create a hazard to users of the national airspace system or the public."⁶ Given the small size and weight of SkyViewHD's UAs, they fall well within Congress's contemplated safety zone when it promulgated the Reform Act and the corresponding directive to integrate UAs into the national airspace system. SkyViewHD's UAs, utilized in hobby flight, has a demonstrable safety record and do not pose any threat to the general public or national security.

⁵ Smart Mode includes safe circle for operation, position hold, self-leveling, altitude command, GPS, return home feature, and safety control to return home or land in the event of communication interruption between RC transmitter and UAS. See Exhibit "1" – Phantom 2 User Manual.

⁶ 112 P.L. 95 § 333 (b).

SKYVIEWHD'S REQUEST WILL BENEFIT THE PUBLIC AT LARGE

Aerial videography and photography for geographical awareness and for real estate marketing and promotion has been around for a long time through the use of manned fixed wing aircraft and helicopters. The challenge for smaller real estate companies and average landowners is that the expense related to manned videography and photography is cost prohibitive. Typically, only large businesses, large high end real estate companies and high net worth landowners are able to absorb such an enormous expense. This deprives non-luxury landowners and small revenue real estate companies from the enjoying the benefit of this valuable marketing and promotional tool. Manned aircraft pose a clear threat to the general public through potential catastrophic crashes that may occur. There are many documented events where a manned aircraft has crashed into populated areas with the size and combustibility of these manned aircraft causing large property damage, human injuries and loss of life. SkyViewHD's UAs pose no such threat since size and lack of combustible fuel alleviates any of these potential threat to the public.

With the passage of the Reform Act, Congress has already proclaimed that it is in the public's interest to integrate commercially flown UAs into the national airspace system. The grant of the exemption request by SkyViewHD furthers the public interest through academic and visual awareness of the geographical benefits of certain areas and by making this cost effective alternative available to small real estate companies and the average landowner. SkyViewHD's ultralight UAs are battery powered and create no emissions that may harm the environment. In the unlikely event of a SkyViewHD UA crash, the consequence is far less than a full size helicopter or fixed wing aircraft, which are heavy and contain combustible fuel, crashing and causing catastrophic devastation to the public.

The public's interest is furthered as SkyViewHD minimizes ecological and crash threat by permitting aerial videography and photography captured through SkyViewHD's battery operated ultralight UA's. Permitting SkyViewHD to immediately fly within national air space furthers not only public safety but economic growth. Granting SkyViewHD's exemption request substantially furthers the economic impact for any community and for companies looking to relocate or build in a certain community as well as individuals looking to relocate to a community for career advancement through academic and geographical awareness provided by SkyViewHD. In the end, the granting of this exemption to SkyViewHD will serve as a benefit and stimulus to any community.

**SKYVIEWHD'S EXEMPTION WILL NOT ADVERSELY AFFECT
SAFETY AND WILL PROVIDE A LEVEL OF SAFETY AT
LEAST EQUAL TO EXISTING FAA STANDARDS**

SkyViewHD's exemption will not adversely affect safety, as it will in fact enhance safety. SkyViewHD's ability to log significant, controlled and monitored flight time in FAA controlled airspace will allow SkyViewHD to contribute to the innovation and implementation of new, novel and undiscovered safety protocols for realtors that may be embraced by the NAR⁷ through consistent and ongoing cooperation with the FAA. Additionally, the FAA may utilize the new safety protocols for the use of UAs in FAA controlled airspace for all industries.

SkyViewHD submits the following representations of enhancements to current aerial videography and photography:

- SkyViewHD's UAs weigh less than 5 pounds (2.26796 Kg) complete with the camera and gimbal assembly;
- SkyViewHD will only operate its UAs below three hundred (300) feet which is well within the four hundred (400) feet ceiling having been established by the Reform Act of 2012;
- SkyViewHD's UAs only operate for fifteen (15) minutes per flight;
- SkyViewHD lands its UAs prior to manufacturer's recommended minimum level of battery power;
- SkyViewHD's pilots operate the UAs through Visual Line of Sight only;
- SkyViewHD's UAs have a GPS flight safety feature whereby the UA hovers and then slowly lands if communication with the pilot is lost;
- SkyViewHD actively analyzes flight data and other sources of information to constantly update and enhance its safety protocols;
- SkyViewHD only operates in reasonably safe environments which are strictly controlled and away from power lines, elevated lights, airports and actively populated areas;
- SkyViewHD conducts extensive pre-flight inspections and protocol to ensure safety remains the primary concern;
- SkyViewHD always obtains all necessary permissions from the FAA and landowners prior to the operation its UAs and;
- SkyViewHD has established safety procedures in place to abort flights in the event of safety breaches or any potential danger.

⁷ National Association of Realtors, <http://www.realtor.org/>

SkyViewHD's safety protocols provide a level of safety equal to or exceeding existing FAA rules. It is important to note that absent the integration of commercial UAs into our national airspace system, manned fixed wing airplanes and helicopters are the primary means of aerial videography and photography for community awareness and real estate uses. While the safety record of such helicopters is outstanding, there have been incidents involving loss of life as well as extensive property damage due to crashes of these manned aircraft and it is far safer and less expensive to operate a battery powered SkyViewHD's ultralight UAs to accomplish the same task. The potential for loss of life is great diminished with a UA as SkyViewHD's UAs carry no people or fuel on board and the UAs are also very small and versatile which allows SkyViewHD to avoid hazards quickly and safely.

Accordingly, SkyViewHD respectfully requests that the FAA grant the requested exemption without delay.

AIRCRAFT AND EQUIVALENT LEVEL OF SAFETY

SkyViewHD proposes that the exemption requested herein apply to civil aircraft that have the characteristics and that operate with the limitations listed herein. These limitations provide for at least an equivalent or even higher level of safety to operations under the current regulatory structure because the proposed operations represent a safety enhancement to the operations conducted with conventional aircraft. The FAA has noted in past exemptions that "Conventional aerial video operations, using jet or piston-powered aircraft present risks associated with aircraft that weigh in the neighborhood of 5,000 to 7,000 pounds or more, carry large quantities of fuel, passengers, and, in some cases, cargo. Such aircraft must fly to and from the survey location. Please see FAA Exemption 11110.

These limitations and conditions to which SkyViewHD agrees to be bound when conducting all operations under an FAA issued exemption include:

1. The UAs will weigh less than five (5) pounds (2.26796 Kg).
2. Maximum total flight time for each operational flight will be fifteen (15) minutes. Flights will be terminated at thirty percent (30%) battery power reserve should that occur prior to the fifteen (15) minute limit.
3. Flights will be operated at an altitude of no more than three hundred (300) feet AGL.
4. Minimum crew for each operation will consist of the UA Pilot and a Visual Observer ("VO").
5. The UA pilot will be an FAA licensed airman with at least a private pilot's certificate and at least a current third-class medical certificate.
6. The UA Pilot will be Pilot in Command (**PIC**).

7. The UAs will only operate within an area as defined in SkyViewHD's Confidential Protocols and Controls Exhibit.
8. A briefing will be conducted with regard to the planned UA operations prior to flight operations. It will be mandatory that all personnel who will be performing duties with regard to the flight operations be present for this briefing.
9. The PIC and VO will have been trained in operation of UAs generally and received up-to-date information on the particular UA to be operated and the UA will be operated in conformity with SkyViewHD's Confidential Protocols and Controls Exhibit.
10. The PIC and VO will at all times be able to communicate via voice communication.
11. Written and/or oral permission from the relevant property holder(s), or their authorized representative(s), will be obtained.
12. All required permissions and permits will be obtained from territorial, state, county or city jurisdictions, including local law enforcement, fire, or other appropriate governmental agencies.
13. If the UA loses communications or loses its GPS signal, the UA will return to the launch site of the UA, or another more appropriate site, and land.
14. The UA will have the capability to abort a flight in case of unpredicted obstacles or emergencies.

14 C.F.R. PART 21, SUBPART H:
AIRWORTHINESS CERTIFICATES 14 C.F.R. §91.203 (A) (1)

Subpart H, entitled Airworthiness Certificates, establishes the procedural requirements for the issuance of airworthiness certificates as required by FAR §91.203 (a) (1). Given the size and limited operating area associated with the aircraft to be utilized by SkyViewHD, an exemption from Part 21 Subpart H meets the requirements of an equivalent level of safety under Part 11 and Section 333 of the Reform Act. The Federal Aviation Act (49 U.S.C. §44701 (f)) and Section 333 of the Reform Act both authorize the FAA to exempt aircraft from the requirement for an airworthiness certificate, upon consideration of the size, weight, speed, operational capability, and proximity to airports and populated areas of the particular UA. In all cases, an analysis of these criteria demonstrates that the UA operated without an airworthiness certificate, in the restricted environment and under the conditions proposed will be at least as safe, or safer, than a conventional aircraft (fixed wing or rotorcraft) operating with an airworthiness certificate without the restrictions and conditions proposed.

The UAs to be operated hereunder is less than five (5) pounds (2.26796 Kg) fully loaded, carries neither a pilot nor passenger, carries no explosive materials or flammable liquid fuels, and operates exclusively within a secured area as set out in SkyViewHD's Confidential Protocols and

Controls Exhibit. Unlike other civil aircraft, operations under this exemption will be tightly controlled and monitored by both the operator, pursuant to SkyViewHD's Confidential Protocols and Controls Exhibit, and under the requirements and in compliance with local public safety requirements, to provide security for the area of operation as is now done with conventional aerial videography and photography. Lastly, application of these same criteria demonstrates that there is no credible threat to national security posed by the UAs, due to its size, speed of operation, location of operation, lack of explosive materials or flammable liquid fuels, and inability to carry a substantial external load.

14 C.F.R. § 45.23 (B). MARKING OF THE AIRCRAFT

The regulation requires:

When marks include only the Roman capital letter "N" and the registration number is displayed on limited, restricted or light-sport category aircraft or experimental or provisionally certificated aircraft, the operator must also display on that aircraft near each entrance to the cabin, cockpit, or pilot station, in letters not less than 2 inches nor more than 6 inches high, the words "limited," "restricted," "light-sport," "experimental," or "provisional," as applicable.

Even though the UAs will have no airworthiness certificate, an exemption may be needed as the UAs will have no entrance to the cabin, cockpit or pilot station on which the words "limited," "restricted," "light-sport," "experimental," or "provisional," may be placed. Given the size of the UAs, two-inch lettering will be impossible. The word "experimental," or any other term as is so required, will be placed on the fuselage of the UAs in compliance with §45.29 (f).

The equivalent level of safety will be provided by having the UAs marked on its fuselage as required by §45.29 (f) where the pilot, observer and others working with the UAs will see the identification of the UAs as "Experimental." The FAA has issued the following exemptions to this regulation to Exemptions Nos. 10700, 8738, 10167 and 10167A.

14 C.F.R. § 61.113(A) & (B); 61.133(A): PRIVATE PILOT PRIVILEGES AND LIMITATIONS; PILOT IN COMMAND; COMMERCIAL PILOT PRIVILEGES AND LIMITATIONS: PILOT IN COMMAND

Section 61.113(a) & (b) limit private pilots to non-commercial operations. Unlike a conventional aircraft that carries a pilot, passengers, and cargo, the UA in this case is remotely controlled with no passengers or property of others on board. Section 61.133(a) requires an individual with a commercial pilot's license to be pilot in command of an aircraft for compensation or hire. SkyViewHD respectfully proposes that operator requirements should take

into account the characteristics of the particular UA. SkyViewHD's UAs have various built-in technical capabilities that strictly limit the potential for operation outside of the operating conditions set forth in the exemption application including a fly back to launch point to terminate the flight.

- Detection of lost GPS or of insufficient satellites initiates an immediate return to launch location.
- Low power on the aircraft triggers escalating alarms at 30% and 15% levels.
- The aircraft weighs less than five (5) pounds (2.26796 Kg), fully loaded.

Given these safety features, SkyViewHD proposes that operators of the UAs should only be required to hold a private pilot's license and not a commercial pilot's license.

SkyViewHD notes that the FAA has found that safety factors permitted operation of UAs by operators with these qualifications in the case of operations pursuant to public COAs where the mandatory operating conditions specified above are present. Please see Federal Aviation Administration, Notice N-8900.227, Unmanned Aircraft Systems (UAS) Operational Approval, at 20-21 (July 30, 2013). The FAA has the statutory authority, granted at 49 U.S.C. §44701(f) to waive the pilot requirements for commercial operations.

Given these conditions and restrictions, an equivalent level of safety will be provided by allowing operation of SkyViewHD's UAs without a commercial pilot's license, under the conditions set forth herein.

The risks associated with the operation of SkyViewHD's UAs (given its size, speed, operational capabilities, and lack of combustible fuel) are so diminished from the level of risk associated with private pilot operations or commercial operations contemplated by Part 61 with conventional aircraft (fixed wing or rotorcraft), that allowing operations of the UAs as set forth above meets or exceeds the present level of safety provided under 14 C.F.R. § 61.113(a) & (b) and does not rise to the level of requiring a commercial pilot to operate the aircraft under §61.133(a).

Sections 61.113 (a) & (b) limit private pilots to non-commercial operations. Because the UAs will not carry a pilot or passengers, the proposed operations can achieve the equivalent level of safety of current operations by requiring the PIC operating the aircraft to have a private pilot's license rather than a commercial pilot's license to operate these small UAs. Unlike a conventional aircraft that carries the pilot and passengers, the UAs are remotely controlled with no living thing on board. The area of operation is controlled and restricted, and all flights are planned and coordinated in advance as set forth in SkyViewHD's Confidential Protocols and Controls Exhibit. The level of safety provided by the requirements included in SkyViewHD's Confidential Protocols

and Controls Exhibit exceed that provided by a single individual holding a commercial pilot's certificate operating a conventional aircraft. The risks associated with the operation of the UAs are so diminished from the level of risk associated with commercial operations contemplated by Part 61 when drafted, that allowing operations of the UAs as requested with a private pilot as the PIC exceeds the present level of safety achieved by 14 C.F.R. §61.113 (a) & (b).

14 C.F.R. §91.7(A): CIVIL AIRCRAFT AIRWORTHINESS

The regulation requires that no person may operate a civil aircraft unless it is in airworthy condition. As there will be no airworthiness certificate issued for the aircraft, should this exemption be granted, no FAA regulatory standard will exist for determining airworthiness. Given the size of the aircraft and the requirements contained in SkyViewHD's Confidential Protocols and Controls Exhibit for maintenance and use of safety check lists prior to each flight.

14 C.F.R. § 91.9 (B) (2): CIVIL AIRCRAFT FLIGHT MANUAL IN THE AIRCRAFT

Section 91.9 (b) (2) provides:

No person may operate a U.S. registered civil aircraft ...

(2) For which an Airplane or Rotorcraft Flight Manual is not required by §21.5 of this chapter, unless there is available in the aircraft a current approved airplane or Rotorcraft Flight Manual, approved manual material, markings, and placards, or any combination thereof.

The UAs, given their size and configuration has no ability or place to carry such a flight manual on the aircraft, not only because there is no pilot on board, but because there is no room or capacity to carry such an item on the aircraft.

The equivalent level of safety will be maintained by keeping SkyViewHD's Confidential Protocols and Controls Exhibit at the ground control point where the pilot flying the UAs will have immediate access to it. The FAA has issued the following exemptions to this regulation: Please see FAA Exemption Nos. 8607, 8737, 8738, 9299, 9299A, 9565, 9565B, 10167, 10167A, 10602, 32827, and 10700.

14 C.F.R. § 91.103: PREFLIGHT ACTION

This regulation requires each pilot in command to take certain actions before flight to insure the safety of flight. As FAA approved rotorcraft flight manuals will not be provided for the

aircraft an exemption will be needed. An equivalent level of safety will be provided as set forth in SkyViewHD's Confidential Protocols and Controls Exhibit. The PIC will take all actions including reviewing weather, flight battery requirements, landing and takeoff distances and aircraft performance data before initiation of flight.

14 C.F.R. §91.109: FLIGHT INSTRUCTION

Section 91.109 provides that no person may operate a civil aircraft (except a manned free balloon) that is being used for flight instruction unless that aircraft has fully functioning dual controls.

UAs and remotely piloted aircraft, by their design do not have fully functional dual controls. Flight control is accomplished through the use of a control box that communicates with the aircraft via radio communications. The FAA has approved exemptions for flight training without fully functional dual controls for a number of aircraft and for flight instruction in experimental aircraft. Please see FAA Exemption Nos. 5778K & 9862A. The equivalent level of safety is provided as neither a pilot nor passengers will be carried in the aircraft and by the size and speed of the aircraft.

14 C.F.R. §91.119: MINIMUM SAFE ALTITUDES

Section 91.119 establishes safe altitudes for operation of civil aircraft. Section 91.119(d) allows helicopters to be operated at less than the minimums prescribed, provided the person operating the helicopter complies with any route or altitudes prescribed for helicopters by the FAA. As this exemption is for UAs that are a helicopter and the exemption requests authority to operate at altitudes up to three hundred (300) feet AGL, an exemption may be needed to allow such operations. As set forth herein, except for the limited conditions stated in SkyViewHD's Confidential Protocols and Controls Exhibit, the UAs will never operate at higher than three hundred (300) feet AGL. It will however be operated in a restricted area with security perimeter, where buildings and people will not be exposed to operations without their pre-obtained consent.

The equivalent level of safety will be achieved given the size, weight, speed of the UAs as well as the location where it is operated. No flight will be taken without the permission of the property owner or local officials. Because of the advance notice to the property owner(s), or their authorized representative(s), all affected individuals will be aware of the planned flight operations as set forth in SkyViewHD's Confidential Protocols and Controls Exhibit. When one compares the flight operations proposed herein with aircraft or rotorcraft weighing far in excess of the less than five (5) pounds (2.26796 Kg) and the lack of flammable fuel, any risk associated with these proposed operations is far less than those presently presented with conventional aircraft operating

at or below five hundred (500) feet AGL. In addition, the low-altitude operations of the UAs will ensure separation between these small UAs operations and the operations of conventional aircraft that must comply with Section 91.119.

14 C.F.R. §91.121 ALTIMETER SETTINGS

This regulation requires each person operating an aircraft to maintain cruising altitude by reference to an altimeter that is set "...to the elevation of the departure airport or an appropriate altimeter setting available before departure." As the UA may not have a barometric altimeter, but instead a GPS altitude read out, an exemption may be needed. An equivalent level of safety will be achieved by the operator, pursuant to SkyViewHD's Confidential Protocols and Controls Exhibit, confirming the altitude of the launch site shown on the GPS altitude indicator before flight.

14 C.F.R. § 91.151(A): FUEL REQUIREMENTS FOR FLIGHT IN VFR CONDITIONS

Section 91.151 (a) prohibits an individual from beginning "a flight in an airplane 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 – (1) During the day, to fly after that for at least 30 minutes; or (2) At night, to fly after that for at least 45 minutes."

SkyViewHD believes that an equivalent level of safety can be achieved by limiting flights to fifteen (15) minutes or thirty percent (30%) of battery power whichever happens first. This restriction would be more than adequate to return the UAs to their planned landing zone from anywhere in its limited operating area.

Similar exemptions have been granted to other operations, including Exemptions 2689F, 5745, 10673, and 10808.

14 C.F.R. §91.203 (A) AND (B): CARRYING CIVIL AIRCRAFT CERTIFICATION AND REGISTRATION

The regulation provides in pertinent part:

- (a) Except as provided in § 91.715, no person may operate a civil aircraft unless it has within it the following:
 - (1) An appropriate and current airworthiness certificate. . . .

(b) No person may operate a civil aircraft unless the airworthiness certificate required by paragraph (a) of this section or a special flight authorization issued under §91.715 is displayed at the cabin or cockpit entrance so that it is legible to passengers or crew.

The UAs fully loaded weight is no greater than five (5) pounds (2.26796 Kg) and is operated without an onboard pilot. As such, there is no ability or place to carry certification and registration documents or to display them on the UA.

An equivalent level of safety will be achieved by keeping these documents at the ground control point where the pilot flying the UA will have immediate access to them to the extent they are applicable to the UA. The FAA has issued numerous exemptions to this regulation. A representative sample of other exceptions includes Exemption Nos. 9565, 9665, 9789, 9789A, 9797, 9797A, 9816A, and 10700.

14 C.F.R. §91.405 (A); 407 (A) (1); 409 (A) (2); 417(A) & (B):
MAINTENANCE INSPECTIONS

These regulations require that an aircraft operator or owner “shall have that aircraft inspected as prescribed in subpart E of this part and shall between required inspections, except as provided in paragraph (c) of this section, have discrepancies repaired as prescribed in part 43 of this chapter...” and others shall inspect or maintain the aircraft in compliance with Part 43.

Given that these section and Part 43 apply only to aircraft with an airworthiness certificate, these sections will not apply to SkyViewHD. Maintenance will be accomplished by the operator pursuant to the flight manual and operating handbook as referenced in SkyViewHD’s Confidential Protocols and Controls Exhibit. An equivalent level of safety will be achieved because these small UAs are very limited in size and will carry a small payload and operate only in restricted areas for limited periods of time. If mechanical issues arise the UAs may land immediately and will be operating from no higher than three-hundred (300) feet AGL. As provided in SkyViewHD’s Confidential Protocols and Controls Exhibit, the operator will ensure that the UAs are in working order prior to initiating flight, perform required maintenance, and keep a log of any maintenance performed. Moreover, 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.

Pursuant to 14 C.F.R. Part 11, the following summary is provided for publication in the Federal Register, should it be determined that publication is needed:

SkyViewHD seeks an exemption from the following rules:

14 C.F.R. §21, subpart H; 14 C.F.R 45.23(b);14 C.F.R. §§ 61.113(a) & (b);91.7 (a); 91.9 (b) (2);91.103(b);91.109; 91.119; 91.121; 91.151(a);91.203(a) and (b); 91.405 (a); 91.407 (a) (1); 91.409 (a) (2); 91.409 (a) (2) and 91.417 (a) & (b) to operate commercially a small unmanned vehicle weighing less than fifty-five (55) pounds (25 Kg) in its operations.

Approval of exemptions allowing commercial operations of UAs in the purposes outlined above (or similar operations) will enhance safety by reducing risk. Conventional aerial videography and photography operations, using jet or piston power aircraft, operate at extremely low altitudes just feet from the object being photographed and often in extreme proximity to people and structures; and present the risks associated with vehicles that weigh in the neighborhood of four thousand (4,000) pounds, carrying large amounts of jet A or other fuel (one hundred and forty (140) gallons for jet helicopters). Such aircraft must fly to and from the site's location. In contrast, a UA weighing less than five (5) pounds (2.26796 Kg) pounds and powered by batteries eliminates virtually all of that risk given the reduced mass and lack of combustible fuel carried on board. The UA is carried to the site of the purposes outlined above (or similar operations) and not flown to the site. The UA will carry no passengers or crew and, therefore, will not expose them to the risks associated with manned aircraft flights.

The operation of small UAs, weighing less than five (5) pounds (2.26796 Kg), conducted in the strict conditions outlined above, will provide an equivalent level of safety supporting the grant of the exemptions requested herein, including exempting SkyViewHD from the requirements of Part 21 and allowing commercial operations. These lightweight aircraft operate at slow speeds, close to the ground, and in a sterile environment and, as a result, are far safer than conventional operations conducted with turbine helicopters operating in close proximity to the ground and people.

PRIVACY

All flights will occur over private, controlled or approved property with the property owner's, or their authorized representative, prior consent and knowledge. The aerial videography and photography will be of structures and property whose owner, or authorized representative, has consented to the aerial videography and photography or otherwise have agreed to be in the area where aerial videography and photography will take place. The grant of this exemption request will provide improved safety in all operations.

Satisfaction of the criteria provided in Section 333 of the Reform Act of 2012 - size, weight, speed, operating capabilities, proximity to airports and populated areas and operation within visual line of sight and national security – provide more than adequate justification for the granting of

the requested exemptions allowing commercial operation of SkyViewHD's UAs pursuant to SkyViewHD's Confidential Protocols and Controls Exhibit attached hereto.

SUMMARY OF SKYVIEWHD'S REQUEST FOR AN FAA EXEMPTION

1. SkyViewHD's UAs must weigh less than five (5) pounds (2.26796 Kg), including energy source(s) and equipment. Operations authorized by the grant of an exemption are limited to the following aircraft described in SkyViewHD's Confidential Protocols and Controls Exhibit: SkyViewHD's UA aircraft variant, bearing serial #DJIP2-001-614 onward as additional UAs are utilized by SkyViewHD provided the additional UAs are of the same or similar specifications as the UA bearing serial # DJIP2-001-614. Any proposed operations of any other aircraft will require a new petition or a petition to amend this grant.

2. SkyViewHD's UAs may not be flown at a ground speed exceeding thirty (30) knots.

3. SkyViewHD's flights must be operated at an altitude of no more than three hundred (300) feet above ground level (AGL), as indicated by the procedures specified in SkyViewHD's Confidential Protocols and Controls Exhibit. All altitudes reported to ATC must be in feet AGL.

4. SkyViewHD's UAs must be operated within the 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 medical certificate.

5. All SkyViewHD operations must utilize a VO. 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.

6. SkyViewHD's Confidential Protocols and Controls Exhibit to be deemed as considered as acceptable to the FAA provided additional requirements as identified by the FAA from time to time are added to or amended in SkyViewHD's Confidential Protocols and Controls Exhibit. SkyViewHD's Confidential Protocols and Controls Exhibit and any grant of exemption must be maintained and made available to the Administrator upon request.

7. Prior to each flight the PIC must inspect the UA to ensure it is in a condition for safe flight. If the inspection reveals a condition that affects the safe operation of the UA, the aircraft is prohibited from operating until the necessary maintenance has been performed and the UA is found to be in a condition for safe flight. A Ground Control Station, if utilized, must be included

in the preflight inspection. All maintenance and alterations must be properly documented in the aircraft records.

8. Any UA that has undergone maintenance or alterations that affect the UA's operation or flight characteristics, e.g. replacement of a flight critical component, must undergo a functional test flight in accordance with SkyViewHD's Confidential Protocols and Controls Exhibit. The PIC who conducts the functional test flight must make an entry in the UA's aircraft records of the flight. The requirements and procedures for a functional test flight and aircraft record entry must be added to SkyViewHD's Confidential Protocols and Controls Exhibit.

9. SkyViewHD must follow the manufacturer's UA aircraft/component, maintenance, overhaul, replacement, inspection, and life limit requirements. When unavailable, aircraft maintenance/component/overhaul, replacement, and inspection/maintenance requirements must be established and identified in SkyViewHD's Confidential Protocols and Controls Exhibit. At a minimum, requirements for the following must be included in SkyViewHD's Confidential Protocols and Controls Exhibit:

- a. Actuators/Servos;
- b. Transmission (single rotor);
- c. Power plant (motors);
- d. Propellers;
- e. Electronic speed controller;
- f. Batteries;
- g. Mechanical dynamic components (single rotor);
- h. Remote command and control;
- i. Ground control station (if used); and
- j. Any other components as determined by SkyViewHD.

10. The PIC must possess at least a private pilot certificate and at least a current third-class medical certificate. 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.

11. Prior to operations conducted for the purposes outlined above (or similar operations), the PIC must have accumulated and logged, in a manner consistent with 14 CFR § 61.51(b), a minimum of twenty-five (25) hours of total time as a UA rotorcraft pilot (single blade or multi-rotor) and at least ten (10) hours logged as a UA pilot with multi-rotor UA which is similar to the UA to be utilized pursuant to this exemption. Prior documented flight experience that was obtained in compliance with applicable regulations may satisfy this requirement. Training, proficiency, and experience-building flights must be conducted under an exemption to accomplish

the required flight cycles and flight time. 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.

12. Prior to operations conducted for the purposes outlined above (or similar operations), the PIC must have accumulated and logged, in a manner consistent with 14 CFR § 61.51(b), a minimum of five (5) hours as a UA pilot operating the make and model of UAs to be utilized for operations under the exemption and three (3) take-offs and three (3) landings in the preceding ninety (90) days. Training, proficiency, experience-building, and take-off and landing currency flights can be conducted under the grant of exemption to accomplish the required flight time and ninety (90) day currency. During training, proficiency, experience-building, and take-off and landing currency 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.

13. SkyViewHD shall not permit the PIC to operate the UAS for the purpose of aerial videography or photography (or similar operations), unless the PIC has demonstrated and logged in a manner consistent with 14 CFR 61.51(b), 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 people, vessels, vehicles and structures.

14. The UA may not be operated directly over any person, except authorized and consenting personnel and persons, below an altitude that is hazardous to persons or property on the surface in the event of a UA's failure or an emergency.

15. SkyViewHD's Confidential Protocols and Controls Exhibit outlines safety mitigations for authorized and consenting production personnel. At all times, those persons must be essential to the purposes outlined above (or similar operations). Because these procedures are specific to participating persons, no further FSDO or aviation safety inspector approval is necessary for reductions to the distances specified in SkyViewHD's manuals.

16. SkyViewHD's 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 and/or;

- b. The aircraft is operated near vessels, vehicles or structures where the owner/controller of such vessels, vehicles or structures has granted permission 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, and;
- c. Operations nearer to the PIC, VO, operator trainees or essential persons do not present an undue hazard to those persons per § 91.119(a).

17. If the UAs lose communications or loses its GPS signal, the UAs must return to a pre-determined location within the security perimeter and land or be recovered in accordance with SkyViewHD's Confidential Protocols and Controls Exhibit.

18. The UAs must abort the flight in the event of unpredicted obstacles or emergencies in accordance with SkyViewHD's Confidential Protocols and Controls Exhibit.

19. Each UA operation must be completed within fifteen (15) minutes flight time or with thirty percent (30%) battery power remaining, whichever occurs first.

20. SkyViewHD must obtain an Air Traffic Organization (ATO) issued Certificate of Waiver or Authorization (COA) prior to conducting any operations under this grant of exemption. This COA will also require SkyViewHD to request a Notice to Airman (NOTAM) not more than seventy-two (72) hours in advance, but not less than forty-eight (48) hours prior to the operation.

21. 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.

22. SkyViewHD has developed procedures to document and maintain a record of the UA's maintenance, preventative maintenance, alterations, status of replacement/overhaul component parts, and the total time in service of the UAs and these procedures are contained in SkyViewHD's Confidential Protocols and Controls Exhibit.

23. Each UA operated under this exemption must comply with all manufacturer Safety Bulletins.

24. The preflight inspection section in SkyViewHD's Confidential Protocols and Controls Exhibit includes the following requirement: The preflight inspection must account for all

discrepancies, i.e. inoperable components, items, or equipment, not covered in the relevant preflight inspection sections of SkyViewHD's Confidential Protocols and Controls Exhibit.

25. Before conducting operations, the radio frequency spectrum used for operation and control of the UA must comply with the Federal Communications Commission (FCC) or other appropriate government oversight agency requirements.

26. The documents required under 14 CFR §§ 91.9 and 91.203 must be available to the PIC at the Ground Control Station, if utilized, of the UA at any time the UA is operating. These documents must be made available to the Administrator or any law enforcement official upon request.

27. SkyViewHD's UAs must remain clear and yield the right of way to all other manned operations and activities at all times (including, but not limited to, ultralight vehicles, parachute activities, parasailing activities, hang gliders, etc.).

28. SkyViewHD's UA 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.

29. SkyViewHD's UAs may not be operated by the PIC from any moving device or vehicle.

30. SkyViewHD's UAs may not be operated less than five-hundred (500) feet below or less than two-thousand (2,000) feet horizontally from a cloud or when visibility is less than three (3) statute miles from the PIC.

31. SkyViewHD's UA may not operate in Class B, C, or D airspace without written approval from the FAA. The UA may not operate within five (5) nautical miles of the geographic center of a non-towered airport as denoted on a current FAA-published aeronautical chart unless a letter of agreement with that airport's management is obtained, and the operation is conducted in accordance with a NOTAM as required by the SkyViewHD's COA. The letter of agreement with the airport management must be made available to the Administrator upon request.

32. 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 UA Integration Office (AFS-80) within twenty-four (24) hours. Accidents must be reported to the National Transportation Safety Board (NTSB) per instructions contained on the NTSB Web site: www.nts.gov.

33. SkyViewHD's UAs, the UA's PIC, and the UA's operations must comply with all applicable parts of 14 CFR including, but not limited to, parts 45, 47, 61, and 91.

As mentioned above, the FAA has already granted a previous exemption which is essentially identical to the exemption being sought by SkyViewHD in this petition for an exemption. Please see FAA Exemption No. 11138.

Therefore, SkyViewHD respectfully requests the FAA grant an exemption pursuant to its application as outlined above.

Sincerely,

A handwritten signature in blue ink, appearing to read "Philip A. K. Stiles".

Philip A. K. Stiles, Esquire
President and General Counsel
GPS Development, LLC d/b/a SkyViewHD