

William P. Callahan, Esq.
Phone: +1 212-889-3000
Willcall66@gmail.com

Joseph A. Robinson, Esq.
Phone: +1 386-503-7229
goodvend@yahoo.com

December 16th, 2014

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

Re: Exemption Request Section 333 of the FAA Reform Act and Part 11 of the Federal Aviation Regulations from 14 CFR Part 21; 14 CFR 61.113 (a) & (b); 91.7 (a); 91.119; 91.121; 91.151(a); 91.405 (a); 91.407(a) (1); 91.409 (a) (2); 91.417 (a) & (b).

To whom it may concern:

In accordance with Section 333 of the FAA Modernization and Reform Act of 2012 (“Reform Act”) and 14 C.F.R. Part 11, SouthGate Films, development and operations specialists for Unmanned Aircraft Systems (“UASs”) which are setup to utilize aerial filming and photography for short films, motion pictures, and commercial filming, submits this exemption petition application. SouthGate films seeks exemption from the aforementioned listed Federal Aviation Regulations (“FARS”) to permit the commercial operation of its UASs providing that the operations are conducted only according to that which is provided in this petition for exemption or as may be currently or in the future required by the FAA as found in Section 333.1, or any other prevailing federal regulations.

As outlined below, our request for exemption would allow the operation of small unmanned aircraft systems under established preset conditions in the air that are 1) narrow in scope 2) pre-determined 3) access controlled and 4) improve upon the safety operations that commercial filming currently employ (such as using a manned helicopter for aerial footage). Approval of this petition for exemption would improve safety as well as provide an opportunity to the Secretary of Transportation (the FAA Administrator’s) to accomplish their goal to “...establish requirements for the safe operation of such aircraft systems in the national airspace system.” See Section 333(c) of Reform Act.

The name and address of the applicant is:

SouthGate Films, Inc.

President Paul Callahan (paul@southgatefilms.com, T: 347-489-7890)

67 West Street, Suite 605

Brooklyn, NY 11222

SouthGate films hereby requests an exemption from the following regulations:

- 14 CFR Part 21
- 14 CFR 61.113 (a) & (b)
- 14 C.F.R. 91.7 (a)
- 14 C.F. R. 91.119
- 14 C.F.R. 91.121
- 14 CFR 91.151 (a)
- 14 CFR 91.405 (a)
- 14 CFR 407 (a) (1)
- 14 CFR 409 (a) (2)
- 14 CFR 417 (a) & (b)

The SouthGate Films exemption application is intended to achieve Congress' aims in passing Section 333(a) - (c) of the Reform Act. The reform act instructs the Secretary of Transportation to give consideration to whether or not particular unmanned aircraft systems can successfully achieve sufficient safety measures for inclusion in the national airspace system (NAS). Such an exemption from the regulations will only serve as a temporary measure in anticipation of the fulfillment of the rulemaking requirement of Section 332 of the Reform Act. In consideration of the petition the Secretary should consider which UASs are neither a danger to participants of the NAS or the public at large or present the potential to threaten the national security of the United States. These factors should be considered according to the Reform Act § 333 (a):

- The UAS'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 of the operator.

If the Secretary decides 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). SouthGate Films believes the provisions found in section 333 of the Reform Act creates an obligation for the FAA to process applications for exemption and, if necessary, for the FAA to create standards for safe use if such standards proposed in this petition for exemption fail to meet statutory requirements for approval.

The authority for the FAA to issue such an exemption is expressly granted in The Federal Aviation Act. This statutory authority's terms include an exemption for civil aircraft, as defined under §40101 of the Federal Aviation Act, and includes UASs, with the intent to exempt such from the mandate that every civil aircraft be required to possess a valid airworthiness certificate.

If the Administrator finds the exemption request in the public interest the Administrator may grant an exemption from requirements of the regulations promulgated under subsections (a) or (b) or sections 44702-44716 of this title. 49 U.S.C. §44701(f); See 49 USC §44711(a); 49 USC §44704; 14 CFR §91.203 (a) (1).

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).

SouthGate Film's UASs are rotorcraft with a combined weight, including any necessary added filming equipment, of 55lbs or less. The UASs are capable of moving in vertical and horizontal positions at the same time. The UASs can hover and are restricted to speeds of no more than 25mph as implemented by the duly trained operator. UASs operations will always be conducted within the line of sight of the operator and will be limited to the confines of a properly secured area. For details about what constitutes a properly secured area please see the SouthGate Film's safety operations manual attached as exhibit 1. This application for exemption strongly expresses that the structure and operations of these UASs will "not create a hazard to users of the national airspace system or the public." Reform Act 333 (b).

It is congress's intent that the FAA allow commercial UAS operations to begin immediately through the process of a granted exemption as long as the proposed operations satisfy the proper zone of safety. The limited size, intended cargo (filming equipment) and secure locality ensure there is zero national security threat stemming from granting approval of the operations of these particular UASs. The administrator should grant this application request because it carries out the intent of Section 333 of the Reform Act in addition to the authority of the Federal Aviation Act. The grant is in the best interests of the public because it limits harmful environmental factors and enhances the safety of both the public at large and filming industry workers. Applicants hereby request their application for exemption be considered and approved as soon as it can be processed.

AIRCRAFT CHARACTERISTICS AND SAFETY LEVEL EQUIVALENTS

The applicant seeks to have this exemption cover only civil aircraft as described therein this petition and subject to the limitations proposed within this petition or as should be found necessary by the FAA. Motion picture filming companies already safely operate using combustible manned helicopters or other

manned civil aircraft to achieve many tasks that non-combustible unmanned UASs can accomplish with the equivalent or better level of safety.

SouthGate Films proposes and agrees to the following limitations and conditions for commercial filming UAS operations conducted under a granted FAA exemption:

1. The total combined weight of the UASs and attached equipment will weigh 55lbs or less.
2. At all times the pilot will operate the UAS in an unbroken visual line of sight (VLOS).
3. No flight operations will fly for more than 30 consecutive minutes without first landing and changing the batteries and conducting necessary safety checks.
4. Once the battery is at 25% the operator must begin return to ground procedures. The UASs are not permitted to operate below 20% battery.
5. Maximum flight altitude shall not exceed 400 AGL.
6. A minimum 3 man crew consisting of the UAS Pilot, Visual Observer, and Camera Operator is required to conduct operations.
7. The UASs Pilot in Command (PIC) must have at least 25 documented hours operating UASs.
8. The PIC must have the requisite knowledge about the components required to build and maintain the particular type of UASs type they are operating.
9. A PIC will have a private pilot's certificate.
10. A PIC will not operate an UAS within 5 miles of the center of an airport without permission from the local FSDO and clearance from the control tower of the airport.
11. The pilot and observer will have at least a third class medical.
12. UASs will only operate in a properly secured area. SouthGate Films pre flight safety procedures require a secured perimeter as described in their pre flight safety operations manual.
13. A mandatory briefing that all participating personnel (persons allowed into the filming perimeter) must attend in order to go over all pre flight safety issues and procedures for the day.
14. A FAA Form 7711-1, or an equivalent, modified as needed to fit the requested exemption, will be filed with the relevant Flight Standards District Office.
15. A UAS may not operate unless persons within 100ft of operations have consented to being in the secured area, as provided in the SouthGate Film's pre operations safety manual. With certain enhanced safety procedures the required radius may be reduced as low as 30ft as described in the manual. No smaller distance radius shall be allowed without the express approval of the relevant FSDO.
16. The relevant FSDO shall receive a written Activities Agenda at least 3 days before a proposed filming date.

17. At all operational times the pilot and observer will be able to maintain contact through voice communication.
18. Operations shall not be permitted in areas that do not have the consent of the property owners.
19. Any necessary required permission and/or permits from territorial, state, county or city jurisdictions, local law enforcement, fire department, or appropriate government agencies will be obtained accordingly.
20. In the case of emergency, loss of communications or other malfunction, the UASs are preset to be able to return to a pre specified location in a safe manner. The UASs can abort a flight in unexpected situations or other emergencies.

14 C.F.R. Part 21, Subpart H: Airworthiness Certificates 14 C.F.R. §91.203 (a) (1)

FAR §91.203 (a) (1) requires the establishment of a process for the granting of airworthiness certificates. The process for obtaining an airworthiness certificate is provided for in 14 C.F.R., Subpart H, titled Airworthiness Certificates. The small size of the UASs and limited perimeter of the secured operations area allow for an equivalent level of safety as envisioned in Part 11 and Section 333 of the reform act. The FAA is permitted to exempt aircraft from the airworthiness certificate requirement as provided in The Federal Aviation Act (49 U.S.C. §44701 (f)) and Section 333 of the Reform Act. An exemption may be permitted after consideration of the size, weight, speed, operational capability, distance from airports and amount of persons near areas of operation. A careful consideration of these factors makes it clear that UASs, lacking an airworthiness certificate, but, implementing the proposed conditions and restrictions, can operate just as safe if not safer than conventional aircraft with an airworthiness certificate.

The UASs weigh less than 55 lbs with a full load and cannot carry a pilot or hold any passengers. The UASs do not carry fuel or any other explosive or flammable liquids, and will only be operated within the secured zone as provided for in the SouthGate Film's safety manual. The petition for exemption will only allow for tightly controlled and very closely observed operations as described in the SouthGate Film's safety manual. The FAA will be informed in advance of the operations area and all local laws will be followed and abided by. SouthGate Film's UAS operations without an airworthiness certificate will be safer than conventional aircraft operating with an airworthiness certificate because of the conduct limitations provided for in this petition that are inapplicable to the latter. The UASs safety requirements are similar to requirements used in the production and filming industry for civilian aircraft.

The UASs operations do not pose a threat to the national security of the United States, or any locality found within or without the United States. The purpose of the operations of the UASs is to create footage for the filming commercial and movie industry and is not intended in any way for hostile acts. The size, speed, area of operations, absence of flammable gasoline or other combustible liquids and limitations on payload weight present no credible threat to the United States.

14 C.F.R. § 61.113 (a) & (b): Private Pilot Privileges and Limitations: Pilot in Command.

SouthGate films seeks exemption from 61.113 so that it's PIC may hold a private pilot's certificate instead of a commercial pilot's certificate. In Grant of Exemption No. 11062 to Astraeus Aerial (Astraeus), the FAA determined that a PIC with a private pilot's certificate operating the Astraeus UAS would "not adversely affect operations in the NAS or present a hazard to persons or property on the ground". SouthGate Film's safety training provides an equivalent level of safety and potentially helps exceed current safety levels when compared to manned aerial flights. The knowledge SouthGate Films has about UAS operations is relevant and supplements the safety awareness the PIC learns from getting a private pilot's certificate. SouthGate Films provides safety and education through the use of the safety operations manual, pre flight safety checks and proper care for it's UASs.

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

A grant of exemption from 91.7 is needed because there will be no airworthiness certificate. The airworthy conditions will be determined according to the SouthGate film's safety manual. The pre flight safety procedures found in the SouthGate film's manual provides for an equivalent level of safety. The PIC will be responsible for making sure the aircraft is airworthy before each flight.

14 C.F.R. §91.119: Minimum safe altitudes

Section 91.119 establishes the safe altitudes for operations of civil aircraft. This request for exemption asks for the submitted UASs to be permitted to operate at altitudes up to 400 AGL. All operations will occur in a pre secured area where all persons and property present will have given their informed consent. The location, size, weight and speed of the UASs provide for an equivalent level of safety. Conventional aircraft flying below 500 AGL present a much greater risk to persons and property than small UASs operating at the same altitude. Risks to conventional aircraft that are not applicable to UASs include combustible fuel and large payloads. The low altitude will actually create an unintended buffer between UASs operating below 400 AGL and conventional aircraft operating above 500 AGL as required by Section 91.119.

Section 91.119(c) provides that no aircraft shall operate within 500 AGL of any "person, vessel, vehicle or structure". Due to the commercial filming nature of the UASs operations, we request filming operations be permitted from much closer distances. This would all take place in accordance with pre flight safety procedures. The operations manual provides that all persons within 100ft must give their consent to be present and that such permission may be reduced to 30ft with enhanced safety procedures in place in addition to the mandatory safety briefing involving all persons including the PIC. Filming with UASs instead of manned helicopters provides an increased level of safety to the public and the crew working on the set.

14 C.F.R. §91.121 Altimeter Settings

91.121 contains language requiring an aircraft to maintain an altimeter. The UASs do not have a traditional barometric altimeter and therefore an exemption may be needed. The UASs are, however, able to

provide an equivalent level of safety through use of GPS altitude equipment. The GPS component attached to the UAS uses a communications telemetry data link to send the AGL information to the PIC to effectively monitor safety and the flight path. Methods include GPS triangulation, digitally encoded barometric altimeter, radio altimeter or any combination. The GPS on the UAS transmits the appropriate data digitally to a ground readout handheld controlled by the PIC. The UAS PIC will reset the altitude to zero before every launch.

14 C.F.R. § 91.151(a): Fuel Requirements for Flight in VFR Conditions

Section 91.151 (a) disallows aircraft from flying without first having at least 30 minutes of fuel beyond their time to take off and land under normal conditions if its during the day and 45 minutes for the night. Since the UASs can only operate for 30-45mins total, before landing and replacing their batteries, an exemption may be needed. Allowing UAS operations until battery life has reached 20% of it's full strength will ensure an equivalent level of safety compared to conventional aircraft operations with 30 minutes extra fuel. The UAS is set to automatically return to a pre determined landing spot in the case of emergency and this can be accomplished very quickly. Conventional aircraft generally have less flexibility for landing than a small lightweight UAS.

14 C.F.R. §91.405 (a); 407 (a) (1); 409 (a) (2); 417(a) & (b): Maintenance Inspections

These regulations are for conventional aircraft with an airworthiness certificate and are therefore incompatible with the operations of an UAS. SouthGate Film's UAS operators are the best suited people to perform maintenance on the UASs. This is because they have specialized knowledge about the components that a typical aviation inspector would lack. The size, payload, location restrictions and height limits allow for an equivalent level of safety. Maintenance shall be performed on a daily basis as required and a log of all maintenance activities kept.

In accordance with 14 C.F.R. Part 11, the summary below is provided for publication in the Federal Register, should it be determined that publication is warranted:

Applicant seeks an exemption from the following rules:

14 C.F.R. §21, subpart H; 14 C.F.R. §§ 61.113(a) & (b); 91.7 (a); 91.119; 91.121; 91.151(a); 91.405 (a); 91.407 (a) (1); 91.409 (a) (2); 91.409 (a) (2) and 91.417 (a) & (b) to operate for commercial purposes small unmanned aerial systems (weighing less than 55lbs) for aerial filming and photography for short films, motion pictures, and commercial filming.

Approval for this section 333 exemption will increase public safety and reduce the risk to on set personnel and property. Currently, most aerial filming is done by various filming studios using manned airplanes. These airplanes weigh thousands of pounds and require the use of combustible gasoline in order to operate. In comparison, an Unmanned Aerial System can accomplish the same commercial filming

operations with an equivalent or better level of safety because they are lightweight, battery operated, and not equipped to carry persons into the NAS.


The exemption should be granted to allow the commercial operation of SouthGate Film's UASs under the strict conditions outlined above. The UASs are much slower than conventional aircraft and operate in a pre secured area, therefore, providing an equivalent level of safety. The UASs pose a reduced risk to on set filming when compared to conventional aircraft near persons and/or property.

Privacy

Permission from property owners will be obtained prior to filming. UAS operations may not proceed unless persons proximate to the filming set have consented.

The UASs size, weight, speed, operating capabilities, and proximity to airports and populated areas all satisfy Section 333 of the Reform Act. All operations occur within the visual line of sight of the operator and pose no threat to national security. SouthGate Film's kindly requests consideration to receive a Section 333 exemption grant to allow the commercial operation of SouthGate Film's UASs in the commercial filming industry in accordance with the conditions required, or as may be required, and in accordance with the rules and procedures found in the attached safety manual.


Sincerely,



William P. Callahan
Law Office of William P. Callahan
Counsel for SouthGate Films, Inc.



Joseph A. Robinson, Esq.
Of Counsel



Paul Callahan
President, SouthGate Films, Inc.

The following exhibits have been submitted via post confidentially to supplement this public electronic petition: SouthGate Film's UAS Models/Specs, UAS component manuals, South Gate Film's safety manual and certificate of liability insurance.