

April 20, 2015

National Telecommunications and Information Administration
U.S. Department of Commerce
1401 Constitution Avenue NW, Room 4725
Washington, DC 20230
Attn: UAS RFC 2015

Via Email: UASrfc2015@ntia.doc.gov

Re: **Request for Comment** Concerning National Telecommunications and Information Administration, U.S. Department of Commerce Privacy, Transparency, and Accountability Regarding Commercial and Private Use of Unmanned Aircraft Systems
RIN 0660-XC016

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I am President of UAS America Fund, LLC (“UAS Fund”), a privately-financed platform working to unlock the benefits of unmanned aircraft systems (“UAS”) commercialization, economic development, and job creation in the United States. We write to provide our commentary relative to the recently-announced multistakeholder engagement process by President Obama in February 2015 in his Presidential Memorandum titled “Promoting Economic Competitiveness While Safeguarding Privacy, Civil Rights, and Civil Liberties in Domestic Use of Unmanned Aircraft Systems.”

UAS America Fund was established in early 2014 to further commercialization of the UAS industry in the United States, incorporated specifically to provide infrastructure financing to the emerging commercial UAS industry. The UAS Fund is partnering with technology and aerospace companies, and state and local governments, to accelerate UAS development and deployment nationwide.

Since our inception, we have been strong advocates for the unmanned aircraft sector, and have taken actions to provide the Federal Aviation Administration (“FAA”) with direct support for implanting rules that will not only maintain the safety of America’s airspace system but support commercial UAS activities. UAS America Fund has and continues to work cooperatively with all aspects of the federal government towards assisting to develop risk-based rules, regulations, and best-practices on unmanned aircraft, while maintaining safety and respecting privacy for all. We also are coordinating and collaborating with state and local governments, universities, industry associations, and individual companies to promote commercial activity as quickly as practicable.

In addition to generating economic activity and the creation of new jobs, allowing U.S. companies and research universities and organizations to flourish by conducting business activities utilizing unmanned aircraft and conducting product/system research and development to innovate their technology is essential. Without a platform for more widespread use of UAS in the U.S., we risk falling further behind the rest of the world in this critical aerospace sector and losing America’s global leadership position in this important technology area. UAS provide operational abilities to provide significant economic development at both local and national levels, as well as providing meaningful and considerable societal impacts, including saving lives.

UAS America Fund seeks to protect the commercial industry from over-regulation and limited opportunity to innovate and conduct R&D to keep U.S. companies as leaders in this field. We feel strongly that a continued burdensome regulatory process will take away from the economic benefits and chase the industry out of the United States for a significant period of time, and if we were to use a more incremental approach to regulation, thus regulating in a smarter way, it would unlock benefits of unmanned aircraft without tying up the entire industry. An appropriately-segmented market focusing on where there is demand and proven technologies today is key for moving the industry forward safely, and realizing the billions in economic impacts for our economy.

We are confident that the unmanned aircraft industry can be developed within a legal and regulatory framework that promotes safety, provides positive economic impacts, promotes business efficiencies and maintains companies' competitive advantages, all while protecting privacy interests and safeguarding Constitutional rights of people and businesses. It is with this perspective that we offer the following general commentary and formally request involvement in the multistakeholder engagement process going forward and specifically attendance at the upcoming meetings, as we will be active participants and can present unique perspectives likely not shared by other organizations.

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Flexibility in laws relating to privacy is of the utmost importance. Unmanned aircraft are not all created equally, as they have significantly varying operational objectives, physical and performance characteristics, and ability to monitor, collect, and/or process information or data. Recognizing that a single set of best practices will not be sufficient to cover the full range of use cases is critical and an important step in linking privacy, transparency, and accountability in a useful manner for UAS. For example, high-altitude, long-endurance, and over-the-horizon flights clearly have different issues than low altitude line-of-sight operations, and thus should likely be treated separately and certainly should have different best practices, possibly covering different phases of flight as well.

Federal and State/Local laws require consistency. It is important to be accepting of the fact that a single set of perspectives will not be appropriate for all jurisdictions, and also that existing State laws may not have been enacted specific to or mentioning UAS but likely are broad enough to cover UAS activities. In addition to Common Laws, Criminal Laws also will have varying implications for UAS use and also may further vary based on the location, operation, and/or physical and performance characteristics of the unmanned aircraft used.

Definitional issues require careful thought and sensitivity. The issues such as those being explored by NTIA in the multistakeholder process are likely to revolve around a core set of legal positions, each with substantial reliance on definitions. These items including, but not limited to, "aircraft," "harm," "reasonable," "widespread," and "jeopardize," will become increasingly important as privacy concerns develop relative to unmanned aircraft. Further, it will be extremely important to consider not just the current framework for UAS today in developing these best practices, but also contemplate the future shifting of regulations likely in this sector. Being forward-thinking in developing best practices around each of privacy, transparency, and accountability must be performed in order to recognize how fast-moving this industry is and in order to develop an environment that is flexible enough to accommodate changes over time and not require wholesale new processes or regulations in the near future. Setting up a flexible framework and considering the future will be key to achieving this goal.

Government, commercial, and recreational users also need differing consideration. The ability of different user bases to utilize UAS for surveillance and data collection methods, whether for public, private, or recreational uses, clearly has different implications for uninvolved persons or entities. Protections and best practices relative to governmental surveillance should be treated differently than companies collecting business information, in most circumstances, and also differs significantly from the requirements necessary for hobbyist users.

Personal and corporate privacy must be maintained. Unmanned aircraft will likely touch each and every industry across the globe, and thus have widespread positive uses. It will be important to consider not only individuals' privacy concerns but also those of corporations and other business entities in order to create an environment where appropriate levels of privacy, transparency, and accountability is maintained suitable for both individuals and companies.

Focus on data. Unmanned aircraft are very much a means for collecting data in ways not previously possible or practical. In addition to the means under which these data are collected via UAS, a focus must be established on how that data is used and held must be determined from a privacy, transparency, and accountability perspective. The issue is not only relevant at the point of collection, but rather how that data exists, is retrieved, and is searchable also requires significant consideration, and across a range of varying data types. Similarly, data privacy best practice development also must be supplemented with activities focusing on data security, not only from a perspective of controlling the craft but also from the perspective of securing the data collected by the UAS, regardless of if the UAS operation and/or data was for personal, business, or governmental use.

All technology should be considered, not just UAS. Privacy, transparency, and accountability issues must be addressed across a range of technologies and platforms and not applied only to unmanned aircraft systems. Further, although the FAA is focusing today on a Small UAS rulemaking effort, these issues and specifically the best practices developed as a result of the multistakeholder process must cover all types of crafts and anticipate the progression of the unmanned aircraft sector and markets. Specifically, the differences between line-of-sight operations and beyond-line-of-sight and autonomous operations likely will require varying approaches to privacy, transparency, and accountability which will require specific outcome-based procedures.

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UAS America Fund, and our long-term focus on the provision of infrastructure, provides a common promotion and protection for all commercial users of unmanned aircraft. We, and our supporting partners, are very interested in the opportunity to potentially fund, among other things, privacy and cybersecurity issues related to UAS use and development. We appreciate the NTIA's leadership in driving forward the multistakeholder process and remain very much interested in actively participating in the process. Our offices are located in the District of Columbia so we have flexibility to accommodate NTIA's schedule and look forward to meeting formally and/or informally with NTIA throughout the multistakeholder process.

We support American industry and U.S. businesses, and hope that our participation with the NTIA in the multistakeholder process will promote public trust without needing a large and involved set of legislative factors. Relying on best practices, such as many of those already being applied and



respectful of privacy, transparency, and accountability by businesses, government, and the military today can be leveraged and formalized into the products of the NTIA's efforts. UAS Fund feels that this will create an appropriate environment balancing constraints and objectives for the widespread proliferation of unmanned aircraft operations and uses, while balancing privacy, transparency, and accountability issues.

Technology in the UAS space is moving quickly, and thus agile and nimble processes are needed throughout the industry and across functional areas. It will be critical to create a mechanism through the NTIA's multistakeholder process that will allow for conversion of the resulting best practices to be developed into industry standards that can form the basis for continued growth in the sector. UAS America Fund is eager to assist and looks forward to our continued partnership with NTIA, FAA and other government agencies, and UAS industry stakeholders and market participants in developing solutions for this important part of the U.S. aerospace industry.

Thank you for the opportunity to comment with you on this important topic.

Very truly yours,

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