

March 11, 2020

VIA ELECTRONIC FILING

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street S.W.
Washington D.C. 20554

Re. 6U Satellites in Kepler Communications' Market Access Grant And Earth Stations

Dear Ms. Dortch,

On March 9th, 2020, members of Kepler Communications Inc. ("Kepler") met with representatives of the International Bureau. Present at the meeting on behalf of Kepler was Nicholas Spina. Present on behalf of the International Bureau were Jose Albuquerque and Karl Kensinger.

Discussed during the meeting were Kepler's outstanding grant for its 6U spacecraft as well as its earth station licensing.¹ Kepler highlighted the significant costs associated with its US market access and that the Commission should expeditiously grant the aforementioned to allow unhindered access to Kepler's network.

Kepler's request for market access, and its subsequent grant by the Commission², discussed the pathway to extend the scope of the authorization from encompassing 3U-class CubeSats to 6U-class CubeSats, subject to the provision of a demonstration either that:

- Kepler receives the Commission's approval of an updated technical description and orbital debris mitigation plan for its proposed 6U system, or
- Kepler is subject to direct and effective regulation by Canada, particularly focusing on 6U CubeSats

Prior to receiving its market access grant in November 2018, Kepler clarified its intention to populate its constellation using 6U CubeSats with the Commission and submitted a revised Orbital Debris Assessment Report (ODAR).³ Since receiving its market access authorization for its 3U CubeSat constellation, Kepler has progressed the design of its constellation and is now ready to deploy 6U CubeSats into orbit. Kepler has communicated the technical specifics of this change with its home licensing administration, *Innovation, Science, and Economic Development Canada* (ISED), and has

¹ See Kepler Communications Inc., *Application for Earth Station Authorizations*. IBFS File No. SES-LIC-20190627-00861 (Jun. 17, 2019).

² See Kepler Communications Inc., *Petition for Declaratory Ruling to Grant Access to the U.S. Market for Kepler's NGSO FSS System*, Order and Declaratory Ruling, FCC 18-162 (Nov. 19, 2018).

³ See Kepler Communications Inc., *Ex Parte Erratum*. IBFS File No. SAT-PDR-2016-1115-00114 (Sep. 21, 2018). The revised ODAR document is titled "Ex Parte – Technical.pdf".

received approval for the deployment of 6U CubeSats.⁴ For clarity, Kepler is subject to direct and effective regulation by ISED under the Canadian administration.

Kepler has satisfied both of the Commission's requirements, namely that it provide an updated technical showing as well as demonstrate its effective regulation by Canada, despite only being required to fulfill one of these.

Given the length of time that the aforementioned requests have been idle with the Commission, as well as Kepler's imminent launch of its next satellite, the Commission should act to rapidly approve Kepler's 6U satellites and earth station requests.

Sincerely,

/s/ Nickolas G. Spina

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⁴ See attached, Letter from ISED to Kepler, File No. 22297585 LF.