

**EXHIBIT C****Foreword**

This exhibit contains two waiver requests, the first is for the payment of fees. The second is identical to the Schedule S waiver that was contained in Kepler's market access application and subsequently granted in the Commission's Order and Declaratory ruling of that application.<sup>1</sup> The Schedule S waiver is provided here again for completeness. The same Schedule S that was supplied in Kepler's original application has also been copied to this application, under Exhibit D. The justification of that waiver request (and presumably its grant) should therefore remain the same.

**Waiver Requests****Section 1.1111 – Fees**

Kepler requests a waiver of Section 1.1111, normally requiring the payment of a fee for modifications of license. This modification is essentially *pro forma* in nature; the update to a 12 kg bus makes no material change to Kepler's overall system description aside from a technical upgrade that will primarily serve to improve spacecraft pointing accuracy. Such changes improve the quality of Kepler's service without altering the interference or orbital environments. The modification does not change any other aspects of its license, and therefore does not necessitate the same level of procedural or technical review that would normally accompany a modification. Therefore, Kepler should not be required to pay the \$33,685.00 (Code CGW) fee normally associated with modifications of license, and duly requests a waiver of this requirement.

**Inapplicable, irrelevant, and/or burdensome Schedule S requirements**

Kepler requests a limited waiver of Section 25.114(c) of the Commission's rules, which requires certain information to be filed in the Schedule S. In many cases, the Schedule S and Form 312 are not formulated to readily accommodate non-traditional satellite systems, such as Kepler's, and the

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<sup>1</sup> See Kepler Communications Inc., *Petition for a Declaratory Ruling*, IBFS File No. SAT-PDR-20161115-00114 (filed Nov. 15, 2016) (Kepler Petition); 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) (Kepler Grant).

information requested may be inapplicable, irrelevant, and/or burdensome to produce.<sup>2</sup> For example, the Schedule S requests:

- beam polarization,
- channel width, and
- center frequencies.

Given the Software Defined Radio onboard Kepler's systems, these values can be changed to facilitate coordination, amongst other requirements.<sup>3</sup> By way of example, listing all the possible center frequencies using 1 kHz bandwidths would result in an excessive amount of data to input and subsequently be processed by the Commission. Kepler has provided representative data that will allow the Commission to conduct an accurate technical assessment of Kepler's system and requests any necessary waivers. In sum, strict application of the rules here is unnecessary to serve the purposes of the rules, which is to ensure that the Commission has all the relevant information to evaluate the application. As Kepler has provided all relevant information in the Narrative and Schedule S, waiver of the aforementioned Schedule S requirements is appropriate.

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<sup>2</sup> To proceed forward in Schedule S, Kepler was required to input a value for the polarization and channel widths as well as center frequencies. See FCC Form 312 Schedule S.

<sup>3</sup> See FCC Form 312 Schedule S, Receiving Channels (7) and Beams.