355 Adelaide Street West, Toronto, Canada
Our Ref: \Reg\ExParte\171204 – Ex Parte

5 Dec 2017

VIA ELECTRONIC FILING

Marlene H. Dortch

Secretary Federal
Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Oral *Ex Parte* Notice
Kepler Communications Petition for Declaratory Ruling
IBFS File No. SAT-PDR-20161115-00114

Dear Ms. Dortch:

On December 4th, 2017, representatives of Kepler Communications Inc. ("Kepler") met with representatives of the International Bureau to discuss Kepler's pending application to operate a non-geostationary satellite orbit ("NGSO") fixed-satellite service ("FSS") system in Ku-band. Participating in the meeting on behalf of the International Bureau were José Albuquerque, Stephen Duall, Karl Kensinger, Sankar Persaud and Cindy Spiers. Participating in the meeting on behalf of Kepler were Mina Mitry and Nickolas Spina.

The meeting participants discussed Innovation Science and Economic Development (ISED) Canada granting Kepler its space license for the full constellation and Kepler's imminent spacecraft launch in the coming weeks. Kepler highlighted that its earth stations are on schedule to be operational within the coming weeks and that the system should be ready for commercial operation in the first quarter of 2018.

Clarity was sought on the current rules for band sharing and avoidance of inline events. Further to this discussion, Kepler highlighted its belief that ITU priority as a mechanism for claiming protection from other operators would unnecessarily hamper the development of NGSO constellations.

Kepler requested similar consideration to that provided in O3B's grant of authority for deviations in orbital characteristics which was granted by the Commission[1]. This request was made because Kepler expects deviations caused by the use of opportunistic secondary payload launches. Kepler representatives emphasized that the current SDR on-board the spacecraft has the ability to adjust operating characteristics to maintain PFD/EPFD compliance regardless of the deviation in orbital parameters. In addition, Kepler's grant would be subject to successful PFD/EPFD showings at the ITU level. Given the capability to maintain PFD/EPFD compliance by dynamically adjusting operating parameters, and previously discussed systems granted systems within the processing round – Kepler requested that it be allowed to vary orbital characteristics without seeking a modification to its license.

[1] O3b Limited, IBFS File Nos. SAT-LOI-20141029-00118 and SAT-AMD-20150115-00004, Condition 11 (grant stamp dated Jan. 22, 2015).

Lastly, Kepler requested that its grant of authority be given the same privilege of being able to emit at the PFD/EPFD limits provided compliance with the relevant regulatory limitations are met[2].

Pursuant to Section 1.1206(b)(2) of the FCC's rules, 47 C.F.R. § 1.1206(b)(2), this *ex parte* notification is being filed electronically for inclusion in the public record of the above-referenced proceedings.

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact me.

Sincerely,

/S/ Nickolas G. Spina

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[2] OneWeb Market Access Grant (WorldVu Ltd.), IBFS File Nos. SAT-LOI-20160428-00041, Clause 25 (June 1, 2017)