

**EXHIBIT F****Non-U.S. Licensee Requirements****§ 25.137: Requests for U.S. market access through non-U.S.-licensed space stations****§ 25.137 (a) – Competitive equality**

Section 25.137 (a) of the Commission’s rules require Canadian-licensed systems to demonstrate that U.S.-licensed satellite systems have effective competitive opportunities to provide analogous service in Canada, and any other country in which communications with U.S. earth stations will originate or terminate.

Kepler notes that an applicant seeking access to the U.S. market for a non-U.S. licensed satellite system is entitled to a presumption in favor of U.S. market access if the applicant is licensed by a World Trade Organization (“WTO”) member country to provide satellite services covered by the WTO Basic Telecommunications Agreement.<sup>1</sup> Since the Kepler system will be licensed by Canada – a member of the WTO and a party to the aforementioned agreement – and it will offer only such services that are covered by that agreement,<sup>2</sup> Kepler is entitled to a presumption that

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<sup>1</sup> Amendment of the Commission’s Regulatory Policies to Allow Non-U.S. Licensed Space Stations to Provide Domestic and International Satellite Service in the United States, 12 FCC Rcd 24094, ¶ 39 (1997). (“We adopt our proposal to apply a presumption in favor of entry in considering applications to access non-U.S. satellites licensed by WTO Members to provide services covered by the U.S. commitments under the WTO Basic Telecom Agreement. Specifically, we will presume that satellite systems licensed by WTO Members providing WTO-covered services satisfy the competition component of the public interest analysis.”).

<sup>2</sup> Kepler is not requesting authority to provide direct-to-home, Digital Audio Radio Service, or Direct Broadcast Satellite Service in the United States with this proposal.

market entry for the proposed satellite system will satisfy the mutually effective competition requirement of 25.137(a), and be in the benefit of the public interest.<sup>3</sup>

#### § 25.137(b) – Narrative information

In accordance with Section 25.137 (b), this exhibits of this application together contain the full information of the kind that would be required for a license application made under Section 25.114, including such information required for a complete Schedule S, except where waivers have been requested.

#### § 25.137(c) – Contemporaneous consideration

Kepler has submitted both an API and a CR/C to the ITU for its proposed system, and has thus commenced its coordination process with the ITU. Under Section 25.137(c)(3), this satisfies the condition necessary to have the proposed system considered contemporaneously with other U.S. NGSO-like satellite systems filed pursuant to Section 25.157.

#### § 25.137(d) – Service Rules

Section 25.137(d) requires applicants to demonstrate compliance with a number of Commission service rules, including the adherence to the milestone requirements of Section 25.164, surety bond requirements of Section 25.165, reporting requirements of Section 25.170, and any other applicable service rules.

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<sup>3</sup> As stated by 47 C.F.R. § 25.137(a)(2), the requirements of the paragraph “shall not apply with respect to requests for authority to operate using a non-U.S. licensed satellite that is licensed by or seeking a license from a country that is a member of the World Trade Organization for services covered under the World Trade Organization Basic Telecommunications Agreement.”.

*§ 25.137(d)(1) - Milestones*

Section 25.164(b) sets a limit of 6 years for NGSO systems to place 50% of their authorized satellite systems into orbit, and a cutoff of 9 years to finish deploying the remaining 50%. Due in part to the limited size and complexity of its deployment, Kepler's previous experience with building and deploying similar nanosatellite systems, the technical uniformity of the satellites, and Kepler's capacity to manufacture and test its own satellites in-house, Kepler anticipates that it will launch and operate the entire proposed 360-satellite system well within the six-year timeframe required by Section 25.164(b), and therefore comply with its milestone requirements.

*§ 25.137(d)(2) and (3) – Reporting, and other requirements*

Kepler certifies that at the commencement of the proposed operations, it will abide by the reporting requirements designated for space station operators described by Sections 25.170 through 25.173 of the Commission's rules that cover, among other things, annual mandatory reporting requirements, the provision and updating of emergency contact information, information related to control facilities, and any requested results of in-orbit testing, as appropriate.

*§ 25.137(d)(4) – Surety bonds*

Section 25.165 requires licensees to have on file a surety bond that guarantees payout to the Federal Treasury in the event that a licensee either fails to meet its Section 25.164 milestone requirements or surrenders its license before meeting said milestone requirements within the timeframes stipulated by that Section. Kepler has, in its Legal Narrative exhibit to this

application, provided good cause to waive this requirement and thus, to the extent that it is part of the conditions of Section 25.137(d) its fulfillment therein should be considered complete.

*§ 25.137(d)(5) – Multiple requests for market access*

Compliance with this section is discussed in detail in Exhibit A: Legal Narrative.