

## I. WAIVER REQUESTS

### § 25.115 (j): Requirement to notify the FAA of certain antenna structures

Kepler requests a waiver of the requirement to notify the FAA of antenna structures that exceed a height above ground level of 6.1 meters.<sup>1</sup> Due to the blanket nature of the requested authorization, Kepler is unable to predict the locations that its users operate their terminals; it is therefore not reasonably possible to fulfill the antenna height requirement at this time. If required to do so in accordance with § 17.7 of the Commission's rules, users will be responsible for notifying the FAA of their antenna structures prior to ESIM operation.

### Form 312, Schedule B, Items E35, E36, E37, and E39: Specifications of antenna height

For clarity and out of an abundance of caution, Kepler requests a corresponding waiver of Schedule B Items E35, E36, E37, and E39 under Form 312 in alignment with the previously requested waiver of § 25.115 (j): Requirement to notify the FAA of certain antenna structures. Because of the blanket nature of this application, the antenna descriptions given within the Schedule B are non-specific and the corresponding sections pertaining to antenna heights cannot be accurately completed. In light of this, Kepler has entered a value of zero in each of these fields.

### § 25.202 (a) (10) (ii): Frequencies available for use by ESIMs

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<sup>1</sup> See § 25.115(j).

Section 25.202 of the Commission's rules indicate that the 12.2-12.7 GHz band is not specifically available for use by ESIMs communicating with NGSO FSS space stations. Kepler requests a waiver of this limitation to authorize communications with ESIMs within 12.2-12.7 GHz on a non-harmful interference, unprotected basis. This would serve public interest by ensuring uniformity with Kepler's existing service provision to fixed terminals, thus enabling greater flexibility in Kepler's operations to provide service to a wider array of customers. Such an authorization poses little potential for harmful interference due to the often-remote operational regions of ESVs. Nonetheless, were Kepler to be notified of occurrences of harmful interference, Kepler maintains the ability to immediately cease communications in this band until any interference issues can be resolved.

Respectfully submitted,

/s/ Nickolas G. Spina

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