

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

Mangata Networks LLC)	
)	
Petition for a Declaratory Ruling)	File No. SAT-PDR-20200526-00054
Granting Access to the U.S. Market)	
For the Mangata Networks System)	

COMMENTS OF TELESAT CANADA

On August 7, 2020, the International Bureau released a Public Notice accepting for filing the above-referenced Petition for Declaratory Ruling (the “Petition”) filed by Mangata Networks LLC (“Mangata”).¹ In its Petition, Mangata: (i) requests access to the U.S. market for Mangata Networks’ planned non-geostationary orbit (“NGSO”) satellite system, which will operate using the 17.3-18.6 GHz and 18.8-20.2 GHz (space-to-Earth) and the 27.5-30 GHz (Earth-to-space) bands (hereinafter, “Ka-band” frequencies), and the 37.5-42.5 GHz (space-to-Earth) and the 47.2-50.2 GHz and 50.4-51.4 GHz (Earth-to-space) bands (hereinafter, “V-band” frequencies); and (ii) seeks waiver of several Commission rules, including band segmentation requirements that are set forth in Section 25.261(c).²

¹ *Public Notice*, Satellite Policy Branch Information: Space Station Applications Accepted for Filing, Report No. SAT-01487 (rel. Aug 7, 2020)

² 47 C.F.R. §25.261(c). *See* Petition, Legal Narrative at 16.

Declaratory Rulings in the initial Ka/Ku-band and V-band processing rounds granted Telesat Canada (“Telesat”) access to the U.S. market.³ Telesat has pending a Petition to modify its Ka/Ku-band market access grant.⁴

Since Mangata filed its Petition well after the deadline for the initial Ku/Ka-band processing round and did not seek a waiver of the deadline, Telesat assumes the Petition will be considered in the second Ku/Ka-band processing round. Telesat asks that, in keeping with Commission precedent, any grant of Mangata’s second-round Petition be conditioned upon protecting systems, like Telesat’s, that were authorized in the initial processing round.⁵

It is unclear why the Public Notice accepting Mangata’s application for filing includes Mangata’s V-band frequencies, given that the Commission has not initiated a new V-band processing round. Telesat asks that parties be given an opportunity to comment on Mangata’s V-band proposals whenever such a processing round commences.⁶

³ *Telesat Canada, Petition for Declaratory Ruling to Grant Access to the U.S. Market for Telesat’s Ka-band NGSO Constellation*, Order and Declaratory Ruling, 32 FCC Rcd 9663 (2017); *Telesat Canada, Petition for Declaratory Ruling to Grant Access to the U.S. Market for Telesat’s V-Band NGSO Constellation*, Order and Declaratory Ruling, 33 FCC Red 11469 (2018).

⁴ Telesat Canada, Application to Modify Authorization to Access US Market for Telesat’s NGSO Constellation, Call Sign S2976, IBFS File No. SAT-MPL-20200526-00053. Telesat’s modification would be implemented in two phases: (i) the first phase, Telesat has shown, satisfies the Commission’s requirements for consideration in the same initial processing round as the underlying grant; and (ii) the second phase is intended for consideration in the second processing round.

⁵ See, e.g., *Kuiper Systems, LLC, Application for Authority to Deploy and Operate a Ka-band Non-Geostationary Satellite Order System*, Order and Authorization, FCC 20-102 (rel. July 30, 2020) (“Amazon”) at ¶¶ 48-50.

⁶ To the extent the Commission considers the V-band portion of Mangata’s application to be ripe for consideration, the concerns Telesat raises in these Comments with respect to Mangata’s Ka-band proposals apply to its V-band proposals, too.

Mangata's request for a waiver of the band segmentation requirements that are set forth in Section 25.261(c) of the rules needs to be considered from two perspectives:

First, to the extent Mangata seeks a waiver of band segmentation requirements vis-à-vis first round systems, its request should be dismissed out of hand. Second round systems are not entitled as a matter of course to split frequencies with first round systems pursuant to Section 25.261(c) during in-line interference events. Rather, as stated above, and as the Commission has held, second round systems must protect first round systems.⁷

Second, in the case of other second round systems, Mangata wrongly assumed coordination would not be required. To the contrary, as Section 25.261 expressly requires and as the Commission already determined with respect to Amazon's second round application,⁸ inference issues between second round systems must at the outset be addressed in good faith coordination.⁹

If such efforts at coordination were unsuccessful, the band segmentation procedures of Section 25.261(c) would apply. But there is no basis for relieving Mangata of these band segmentation requirements while leaving other same round applicants under such an obligation, which would give Mangata an undeserved advantage vis-à-vis such other parties, including Telesat. Similarly, there is no basis for

⁷ See Amazon at ¶¶46-50

⁸ *Id.* at ¶59, ordering clause (b).

⁹ See Petition at 16.

relieving all same round applicants of their band segmentation obligations, which would eviscerate the rule. Accordingly, Mangata's request for waiver of Section 25.261(c) should be denied.

Respectfully submitted,

TELESAT CANADA

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing, Comments of Telesat Canada, was served via first class mail on September 8, 2020 to the following:

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