

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

In the Matter of)	
)	
Mangata Networks LLC)	File No. SAT-PDR-20200526-00054
)	Call Sign S3068
Petition for a Declaratory Ruling Granting)	
Access to the U.S. Market for the)	
Mangata Networks System)	

REPLY OF O3B LIMITED

O3b Limited (“O3b”) submits this reply regarding the above-captioned application by Mangata Networks LLC (“Mangata”) for authority to serve the U.S. market using a Ka-band and V-band non-geostationary satellite orbit (“NGSO”) system. The O3b Petition to Deny or Condition¹ demonstrates that Mangata’s attempts to avoid requirements to protect O3b and other NGSO systems authorized pursuant to the November 2016 NGSO processing round are contrary to Commission precedent and the public interest and that Mangata’s request to operate in mobile-satellite service (“MSS”) spectrum is unsupported. Mangata’s response² does nothing to cure these defects, which justify denial of Mangata’s application. At a minimum, the Commission must place conditions on any grant to ensure protection of O3b and other 2016 round systems.

I. MANGATA’S FAILURE TO DEMONSTRATE THAT IT COMPLIES WITH THE COMMISSION’S RULES REQUIRES DENIAL OF THE APPLICATION

The Commission’s processing round framework enables a sharing environment among NGSO systems that accommodates new entrants while protecting previously authorized

¹ Petition to Deny or Condition of O3b Limited, Call Sign S3068, File No. SAT-PDR-20200526-00054, filed Sept. 8, 2020 (“O3b Petition”).

² Consolidated Reply Comments of Mangata Networks, LLC, IBFS File No. SAT-PDR-20200526-00054, filed Sept. 24, 2020 (“Opposition”). The Opposition was late-filed, as it was due under the Commission’s rules on September 23, 2020.

operations.³ The Commission has made clear that Section 25.261(c), which defines spectrum rights during an event that causes an increase of one NGSO system's noise temperature by more than 6%, applies only between systems authorized in the same round.⁴ Mangata completely ignores this precedent and seeks to evade the application of any spectrum sharing requirements, a proposal that would destroy any regulatory certainty for NGSO operators.

The Commission's standard for a waiver is a high bar: a waiver is only appropriate if the applicant demonstrates that the requested relief would not undermine the policy objective of the rule in question and would otherwise serve the public the public interest. Mangata's requested waiver of the Commission's processing round framework badly fails this test. As demonstrated in the O3b Petition⁵ and submissions by other parties,⁶ Mangata's request for exemption from established spectrum sharing standards is wholly unjustified and unsupported, and Mangata presents absolutely no evidence that the proposed system could compatibly operate with authorized systems.⁷ Several NGSO operators highlight the baseless technical assertions made in the Application and provide technical analyses articulating specific operational threats that arise from the Application.⁸ The analysis in the O3b Petition conclusively shows that Mangata's

³ *Update to Parts 2 and 25 Concerning Non-Geostationary, Fixed-Satellite Service Systems and Related Matters*, Report and Order and Further Notice of Proposed Rulemaking, 32 FCC Rcd 7809, ¶ 50 (2017) (“*NGSO Order*”).

⁴ *NGSO Order*, 32 FCC Rcd at 7825, ¶ 49; 47 C.F.R. § 25.261(c).

⁵ O3b Petition at 3-7.

⁶ Comments of Telesat Canada, IBFS File No. SAT-PDR-20200526-00054, at 3-4 (filed Sept. 8, 2020) (“*Telesat Comments*”); Comments of Kuiper Systems LLC, IBFS File No. SAT-PDR-20200526-00054, at 2-3 (filed Sept. 8, 2020) (“*Kuiper Comments*”).

⁷ O3b Petition at 7.

⁸ *Telesat Comments* at 3-4; *Comments of Kuiper* at 2-3.

proposed system would cause unacceptable levels of interference to O3b's network.⁹ Mangata simply ignores these concerns, failing to mention, much less dispute, O3b's analysis. As an applicant in the NGSO processing round that closed in May of 2020, Mangata is not entitled to impose such interference burdens on O3b or any other system authorized in the round that closed in November of 2016.

Mangata continues to assert that the Commission should waive the obligations under the processing round framework while supplying absolutely no evidence to buttress its contentions. Mangata claims that its proposed system has the ability to incorporate technical safeguards that could "accommodate spectrum sharing" but supplies no details or documentation regarding the effectiveness of these measures.¹⁰ Such wholly unsupported allegations clearly do not warrant departure from the Commission's established regulatory framework.

Mangata's suggestion that the Commission rewrite the Section 25.261 sharing framework to add a third step¹¹ is equally baseless. Again, Mangata continues to ignore the fact that it has no rights under Section 25.261 vis-à-vis O3b and other systems authorized in the 2016 processing round. Moreover, as between Mangata and other 2020 round applications, the coordination process mandated by the Commission would give Mangata the opportunity to demonstrate that any "additional technical safeguards" incorporated into the Mangata system would allow compatible operation.¹² Finally, the Commission cannot add a new provision to its rules in an application proceeding – such an action would have to occur in the context of a rulemaking.

⁹ O3b Petition at 5-7.

¹⁰ Opposition at 2.

¹¹ *Id.* at 3.

¹² *Id.*

Mangata fails to mention any special circumstances that might justify departure from existing standards, but instead offers hollow technical assertions and unjustified excuses that merely exemplify Mangata's flippant approach toward the Commission's established framework designed to maintain a predictable sharing environment among NGSO operators. Accordingly, Mangata's request for waiver of the FCC's spectrum sharing rules must be rejected.

As the O3b Petition explains, Mangata's own application suggests that its system cannot operate successfully in compliance with the FCC sharing rules.¹³ Given that admission, once the Commission denies Mangata's request for a waiver, it must also dismiss the application.

II. MANGATA PROVIDES NO NEW INFORMATION SUPPORTING ITS ABILITY TO SHARE MSS SPECTRUM WITH O3B

The Opposition also fails to provide any information as to how Mangata will protect O3b's use of MSS frequencies. The O3b Petition describes O3b's planned operations in this spectrum,¹⁴ and notes that Mangata has presented no evidence demonstrating how it could successfully share with O3b's MSS operations. Mangata's vague promise in the Opposition to coordinate with other operators is insufficient absent any compatibility analysis.¹⁵

III. ANY GRANT MUST BE CONDITIONED TO PROTECT O3B

The significant flaws in the Mangata proposal and supporting documentation justify outright dismissal of the application. At the very least, the Commission must place conditions on any grant to ensure protection of O3b and other 2016 round systems, consistent with the requirements imposed on the Kuiper system authorized as part of the 2020 processing round.¹⁶

¹³ O3b Petition at 7.

¹⁴ *Id.* at 8.

¹⁵ Opposition at 3.

¹⁶ *Kuiper Systems, LLC*, Order and Authorization, FCC 20-102 (rel. July 30, 2020).

IV. CONCLUSION

For the reasons provided above and in the O3b Petition, O3b respectfully requests that the Commission deny Mangata's application or impose conditions to protect O3b's authorized services.

Respectfully submitted,

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AFFIDAVIT

1. I am Vice President, Regulatory for O3b Limited.
2. I have reviewed the foregoing Reply of O3b Limited. All statements made therein are true and correct to the best of my knowledge, information, and belief.

I declare under penalty of perjury that the foregoing is true and correct.

By: /s/ Suzanne Malloy

Date: October 5, 2020

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of October, 2020, I caused to be served a true and correct copy of the foregoing “Reply of O3b Limited” on the following:

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/s/ _____
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