

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

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)	
)	
Amendment of Parts 2 and 90 of the)	PR Docket No. 89-553
Commission's Rules to Provide for the)	
Use of 200 Channels Outside the)	
Designated Filing Area in the)	
896-901 MHz and the 935-940 MHz Bands)	
Allotted to the Specialized Mobile Radio Pool)	
)	
Implementation of Section 309(j))	
of the Communications Act —)	PP Docket No. 93-253
Competitive Bidding)	
)	
Implementation of Sections 3(n) and 332)	
of the Communications Act)	GN Docket No. 93-252

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**COMMENTS OF
RAM MOBILE DATA USA LIMITED PARTNERSHIP**

RAM Mobile Data USA Limited Partnership ("RMD") hereby submits the following comments with respect to the Commission's "Request for Comments in 900 MHz SMR Proceeding"¹ as to the impact of the Supreme Court's decision in Adarand Constructors, Inc. vs. Pena, 63 U.S.L.W. 4523 (U.S. June 12, 1995) on the Commission's proposed auction rules for 900 MHz SMRs.

As set forth in RMD's Comments and Reply Comments (see, in particular, Reply Comments at 4-6), there is no need, record support, or Constitutional basis for establishing race or gender specific preferences for 900 MHz SMR auctions. Furthermore, 900 MHz SMR is unlike the situation of PCS where the Commission is now considering, in light of the Adarand decision, alternatives to such preferences that were previously established by rule.² The Commission has already proposed non-race/gender specific small business preferences at 900 MHz SMRs that

¹ Public Notice, DA 95-1479 (June 30, 1995).

² See Further Notice of Proposed Rule Making, FCC 95-295, PP Docket No. 93-253 et. al. (June 23, 1995).

are more than adequate to incentivize diversified participation in 900 MHz SMR on unencumbered frequency blocks that can support new system construction.³ The Adarand decision does not require the Commission to change this course.

Respectfully submitted,

RAM MOBILE DATA USA LIMITED
PARTNERSHIP

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July 14, 1995

³ For reasons set forth in its earlier comments, RMD continues to urge that bidding preferences not apply to encumbered frequency blocks.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Comments of RAM Mobile Data USA Limited Partnership was sent by first-class mail, postage prepaid, this 14th day of July, 1995, to each of the following:

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