

LAW OFFICES  
GOLDBERG, GODLES, WIENER & WRIGHT  
1229 NINETEENTH STREET, N.W.  
WASHINGTON, D.C. 20036

DOCKET FILE COPY ORIGINAL

HENRY GOLDBERG  
JOSEPH A. GODLES  
JONATHAN L. WIENER  
HENRIETTA WRIGHT  
MARY J. DENT  
DANIEL S. GOLDBERG  
W. KENNETH FERREE  
THOMAS G. GHERARDI, P.C.  
COUNSEL

(202) 429-4900  
TELECOPIER:  
(202) 429-4912

EX PARTE OR LATE FILED

September 20, 1995

RECEIVED

SEP 20 1995

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

BY HAND

Mr. William F. Caton, Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, D.C. 20554

Re: PR Docket No. 93-253, PR Docket 89-553, GN Docket  
No. 93-252 Ex parte Presentation

Dear Mr. Secretary:

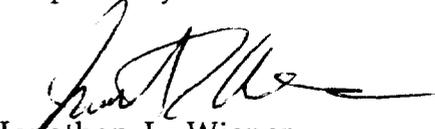
The letter reports that on behalf of RAM Mobile Data USA Limited Partnership ("RMD"), Steven Apicella, Vice President-Regulatory Affairs' for RMD, David Richards, General Attorney for BellSouth Corporation, and the undersigned spoke with Rosalind Allen, Amy Zoslov, Gregory Rosston, Evan Kwerel, and Jackie Chorney to discuss RMD's concerns regarding the activity rules that have been announced in the above referenced proceeding.

No. of Copies rec'd 081  
List ABCDE

Mr. William F. Caton, Acting Secretary  
September 20, 1995  
Page 2

A summary of RMD's presentation and a chart showing the particular effects of the activity rule on RMD's existing licensed blocks, both distributed at the meeting, are attached to this letter.

Respectfully submitted,



Jonathan L. Wiener  
Attorney for  
RAM Mobile Data USA Limited Partnership

Enclosures

cc: Rosalind K. Allen  
Amy Zoslov  
Gregory Rosston  
Evan R. Kwerel  
Jackie Chorney  
David Richards  
Ben Almond  
Steven T. Apicella

**ASSIGNING VASTLY DIFFERENT ACTIVITY UNIT  
VALUES TO BLOCKS WITHIN THE SAME  
MTAS WILL GROSSLY DISTORT THE AUCTIONS  
FOR 900 MHZ SMRS**

- Unless changed, the activity rules will force licensees who are seeking expansion frequencies either to “park” their bids on blocks that they don’t want or bid on what they want, but irrevocably foreclose their ability to bid on potential substitutes should the bidding on more heavily encumbered blocks within the MTA later exceed the bids for less encumbered or unencumbered frequencies in the same MTA.
- The gross disparities in assigned activity unit values of different frequency blocks within MTAs will have an immediate and devastating impact on the auctions. E.g.
  - Los Angeles: 159,004 units (low) to 3,600,000 units (high)
  - New York: 442,116 (low) to 3,239,300 (high)
- The proposed activity rules thwart the purpose of the simultaneous auctions which is to allow bidders reasonable flexibility to change their bids to effective substitutes.
  - The most likely “substitutes” will be found among properties within each MTA and not between MTAs.
  - By contrast, it is highly unlikely that any bidder would view a sliver of the New York MTA as a substitute for St. Louis.
  - While an existing licensee reasonably would prefer to stay on its same block of frequencies within the MTA, other frequencies in the MTA, particularly those that are less encumbered, could be substituted, albeit in some cases not as easily, for expansion purpose and/or to establish a regional network.
  - The underlying assumption about the comparative values of blocks, which underlies the activity rules is flawed. To an existing licensee, a more encumbered block on its own frequencies is likely to be more, or at least no less, valuable than a less encumbered block in the same MTA, which the licensee does not already occupy.

- The value of interstitial areas to an otherwise built system is not simply the MHz/pops of the area.
- Trying to equate the value of partial MTA areas in New York or Los Angeles with full MTAs that cover Montana is not likely to yield an accurate or even an approximate result.
- The proposed activity rules may also lead to unencumbered or less encumbered blocks being undervalued.
- Flexibility to bid among blocks within individual MTAs needs to be restored.
  - Best solution: assign each ten-channel block within any given MTA the same number of activity units. To take into account that some MTAs are more encumbered than others, base the assigned activity unit value for each MTA upon the average amount that each block is encumbered.
  - Alternative: Grants bidders an automatic waiver of the activity rules to change the frequency blocks on which they are bidding within an MTA -- up to what could be justified by their initial up front payment -- as long as immediately prior to the application of the waiver they had been the high bidder (but is now outbid) or made a qualifying bid on a different block (or an equal number of blocks) within the MTA.
- RMD understands that time is of the essence, but urges that some redress is needed.

**RAM MOBILE DATA USA, L.P.  
KARNAK PROJECT**

Market	Block	Priority	RAM's Upfront Payment	\$0.02 per Mhz-Pop	Payments on An Alternative Properties			VARIANCE over/ (under) RAM's pymt			RAM's payment as % of			
					Highest Upfront Payment	2nd Highest Upfront Payment	3rd Highest Upfront Payment	Highest Upfront Payment	2nd Highest Upfront Payment	3rd Highest Upfront Payment	\$0.02 per Mhz-Pop	Highest Upfront Payment	2nd Highest Upfront Payment	3rd Highest Upfront Payment
New York	A	1	\$ 20,250.51	\$ 132,052.99	\$ 64,785.99	\$ 64,536.29	\$ 64,536.29	\$ 44,535.48	\$ 44,285.78	\$ 44,285.78	15%	31%	31%	31%
New York	D	1	\$ 8,842.32	\$ 132,052.99	\$ 64,785.99	\$ 64,536.29	\$ 64,536.29	\$ 55,943.67	\$ 55,693.97	\$ 55,693.97	7%	14%	14%	14%
New York	O	1	\$ 26,899.78	\$ 132,052.99	\$ 64,785.99	\$ 64,536.29	\$ 64,536.29	\$ 37,886.21	\$ 37,636.51	\$ 37,636.51	20%	42%	42%	42%
Los Angeles-San Diego	H	1	\$ 3,180.08	\$ 95,726.16	\$ 76,481.38	\$ 72,616.29	\$ 68,177.77	\$ 73,301.30	\$ 69,436.21	\$ 64,997.69	3%	4%	4%	5%
Los Angeles San Diego	L	1	\$ 5,694.98	\$ 95,726.16	\$ 76,481.38	\$ 72,616.29	\$ 68,177.77	\$ 70,786.40	\$ 66,921.31	\$ 62,482.79	6%	7%	8%	8%
Los Angeles-San Diego	R	1	\$ 13,226.86	\$ 95,726.16	\$ 76,481.38	\$ 72,616.29	\$ 68,177.77	\$ 63,254.52	\$ 59,389.43	\$ 54,950.91	14%	17%	18%	19%
Chicago	C	1	\$ 5,647.57	\$ 60,348.50	\$ 28,914.41	\$ 28,914.41	\$ 28,914.41	\$ 23,266.84	\$ 23,266.84	\$ 23,266.84	9%	20%	20%	20%
Chicago	F	1	\$ 5,575.03	\$ 60,348.50	\$ 28,914.41	\$ 28,914.41	\$ 28,914.41	\$ 23,339.38	\$ 23,339.38	\$ 23,339.38	9%	19%	19%	19%
Chicago	K	1	\$ 5,647.57	\$ 60,348.50	\$ 28,914.41	\$ 28,914.41	\$ 28,914.41	\$ 23,266.84	\$ 23,266.84	\$ 23,266.84	9%	20%	20%	20%
San Francisco-Oakland San Jose	G	1	\$ 12,058.92	\$ 59,455.89	\$ 55,856.54	\$ 55,772.62	\$ 48,830.00	\$ 43,797.62	\$ 43,713.70	\$ 36,771.08	20%	22%	22%	25%
San Francisco-Oakland-San Jose	H	1	\$ 12,058.92	\$ 59,455.89	\$ 55,856.54	\$ 55,772.62	\$ 48,830.00	\$ 43,797.62	\$ 43,713.70	\$ 36,771.08	20%	22%	22%	25%
Detroit	F	1	\$ 8,074.93	\$ 50,005.05	\$ 50,005.05	\$ 50,005.05	\$ 50,005.05	\$ 41,930.12	\$ 41,930.12	\$ 41,930.12	16%	16%	16%	16%
Detroit	I	1	\$ 8,203.08	\$ 50,005.05	\$ 50,005.05	\$ 50,005.05	\$ 50,005.05	\$ 41,801.97	\$ 41,801.97	\$ 41,801.97	16%	16%	16%	16%
Charlotte-Greensboro-Greenville	F	1	\$ 23,143.11	\$ 48,761.59	\$ 48,761.59	\$ 48,761.59	\$ 48,761.59	\$ 25,618.48	\$ 25,618.48	\$ 25,618.48	47%	47%	47%	47%
Dallas-Fort Worth	J	1	\$ 24,512.91	\$ 48,470.79	\$ 38,728.36	\$ 37,307.94	\$ 36,109.51	\$ 14,215.45	\$ 12,795.03	\$ 11,596.60	51%	63%	66%	68%
Dallas-Fort Worth	M	1	\$ 24,512.91	\$ 48,470.79	\$ 38,728.36	\$ 37,307.94	\$ 36,109.51	\$ 14,215.45	\$ 12,795.03	\$ 11,596.60	51%	63%	66%	68%
Boston-Providence	I	1	\$ 9,846.01	\$ 47,263.56	\$ 31,102.50	\$ 30,296.12	\$ 30,213.57	\$ 21,256.49	\$ 20,450.11	\$ 20,367.56	21%	32%	32%	33%
Boston-Providence	J	1	\$ 5,997.06	\$ 47,263.56	\$ 31,102.50	\$ 30,296.12	\$ 30,213.57	\$ 25,105.44	\$ 24,299.06	\$ 24,216.51	13%	19%	20%	20%
Boston-Providence	T	1	\$ 9,846.01	\$ 47,263.56	\$ 31,102.50	\$ 30,296.12	\$ 30,213.57	\$ 21,256.49	\$ 20,450.11	\$ 20,367.56	21%	32%	32%	33%
Philadelphia	A	1	\$ 2,552.39	\$ 44,638.74	\$ 44,638.74	\$ 44,638.74	\$ 33,644.10	\$ 42,086.35	\$ 42,086.35	\$ 31,091.71	6%	6%	6%	8%
Philadelphia	O	1	\$ 2,582.91	\$ 44,638.74	\$ 44,638.74	\$ 44,638.74	\$ 33,644.10	\$ 42,055.83	\$ 42,055.83	\$ 31,061.19	6%	6%	6%	8%
Washington-Baltimore	F	1	\$ 4,515.84	\$ 38,889.38	\$ 33,080.23	\$ 32,675.47	\$ 21,065.71	\$ 28,564.39	\$ 28,159.63	\$ 16,549.87	12%	14%	14%	21%
Washington-Baltimore	O	1	\$ 3,899.61	\$ 38,889.38	\$ 33,080.23	\$ 32,675.47	\$ 21,065.71	\$ 29,180.62	\$ 28,775.86	\$ 17,166.10	10%	12%	12%	19%
Atlanta	R	1	\$ 13,496.02	\$ 34,710.42	\$ 34,710.42	\$ 34,645.93	\$ 29,029.49	\$ 21,214.40	\$ 21,149.91	\$ 15,533.47	39%	39%	39%	46%
Minneapolis St. Paul	F	1	\$ 17,517.66	\$ 29,930.20	\$ 29,930.20	\$ 29,930.20	\$ 29,930.20	\$ 12,412.54	\$ 12,412.54	\$ 12,412.54	59%	59%	59%	59%
Tampa St Petersburg Orlando	G	1	\$ 16,482.43	\$ 27,088.94	\$ 27,088.94	\$ 21,561.41	\$ 18,713.72	\$ 10,606.51	\$ 5,078.98	\$ 2,231.29	61%	61%	76%	88%
Tampa St Petersburg Orlando	O	1	\$ 2,432.53	\$ 27,088.94	\$ 27,088.94	\$ 21,561.41	\$ 18,713.72	\$ 24,656.41	\$ 19,128.88	\$ 16,281.19	9%	9%	11%	13%

**RAM MOBILE DATA USA, L.P.  
KARNAK PROJECT**

Market	Block	Priority	RAM's Upfront Payment	\$0.02 per Mhz-Pop	Payments on An Alterative Properties			VARIANCE over/ (under) RAM's pymt			RAM's payment as % of			
					Highest Upfront Payment	2nd Highest Upfront Payment	3rd Highest Upfront Payment	Highest Upfront Payment	2nd Highest Upfront Payment	3rd Highest Upfront Payment	\$0.02 per Mhz-Pop	Highest Upfront Payment	2nd Highest Upfront Payment	3rd Highest Upfront Payment
Houston	N	1	\$ 5,200.70	\$ 25,954.25	\$ 22,063.36	\$ 15,560.72	\$ 14,142.34	\$ 16,862.66	\$ 10,360.02	\$ 8,941.64	20%	24%	33%	37%
Houston	T	1	\$ 5,200.70	\$ 25,954.25	\$ 22,063.36	\$ 15,560.72	\$ 14,142.34	\$ 16,862.66	\$ 10,360.02	\$ 8,941.64	20%	24%	33%	37%
Miami Fort Lauderdale	B	1	\$ 3,895.05	\$ 25,682.91	\$ 17,854.50	\$ 13,110.94	\$ 12,072.87	\$ 13,959.45	\$ 9,215.89	\$ 8,177.82	15%	22%	30%	32%
Cleveland	D	1	\$ 757.01	\$ 24,728.75	\$ 24,728.75	\$ 24,728.75	\$ 24,728.75	\$ 23,971.74	\$ 23,971.74	\$ 23,971.74	3%	3%	3%	3%
Cleveland	F	1	\$ 716.25	\$ 24,728.75	\$ 24,728.75	\$ 24,728.75	\$ 24,728.75	\$ 24,012.50	\$ 24,012.50	\$ 24,012.50	3%	3%	3%	3%
New Orleans Baton Rouge	F	1	\$ 7,892.63	\$ 24,626.35	\$ 24,626.35	\$ 24,626.35	\$ 24,626.35	\$ 16,733.72	\$ 16,733.72	\$ 16,733.72	32%	32%	32%	32%
Cincinnati-Dayton	F	1	\$ 5,069.41	\$ 23,583.33	\$ 23,583.33	\$ 23,583.33	\$ 23,583.33	\$ 18,513.92	\$ 18,513.92	\$ 18,513.92	21%	21%	21%	21%
St. Louis	F	1	\$ 10,178.74	\$ 23,319.63	\$ 23,319.63	\$ 23,319.63	\$ 23,319.63	\$ 13,140.89	\$ 13,140.89	\$ 13,140.89	44%	44%	44%	44%
Milwaukee	F	1	\$ 7,558.84	\$ 22,707.16	\$ 22,707.16	\$ 22,707.16	\$ 22,707.16	\$ 15,148.32	\$ 15,148.32	\$ 15,148.32	33%	33%	33%	33%
Pittsburgh	F	1	\$ 3,285.86	\$ 20,513.83	\$ 20,513.83	\$ 20,513.83	\$ 20,513.83	\$ 17,227.97	\$ 17,227.97	\$ 17,227.97	16%	16%	16%	16%
Denver	F	1	\$ 5,858.41	\$ 19,403.19	\$ 19,403.19	\$ 19,403.19	\$ 19,403.19	\$ 13,544.78	\$ 13,544.78	\$ 13,544.78	30%	30%	30%	30%
Richmond Norfolk	F	1	\$ 2,859.70	\$ 19,231.05	\$ 19,231.05	\$ 19,231.05	\$ 19,231.05	\$ 16,371.35	\$ 16,371.35	\$ 16,371.35	15%	15%	15%	15%
Seattle	F	1	\$ 2,842.79	\$ 19,135.88	\$ 19,135.88	\$ 19,135.88	\$ 19,135.88	\$ 16,293.09	\$ 16,293.09	\$ 16,293.09	15%	15%	15%	15%
Seattle	H	1	\$ 2,756.26	\$ 19,135.88	\$ 19,135.88	\$ 19,135.88	\$ 19,135.88	\$ 16,379.62	\$ 16,379.62	\$ 16,379.62	14%	14%	14%	14%
Louisville Lexington Evansville	F	1	\$ 9,597.78	\$ 17,783.24	\$ 17,783.24	\$ 17,783.24	\$ 17,783.24	\$ 8,185.46	\$ 8,185.46	\$ 8,185.46	54%	54%	54%	54%
Phoenix	F	1	\$ 3,658.44	\$ 17,550.70	\$ 17,550.70	\$ 17,550.70	\$ 17,550.70	\$ 13,892.26	\$ 13,892.26	\$ 13,892.26	21%	21%	21%	21%
Memphis Jackson	F	1	\$ 9,763.51	\$ 17,326.13	\$ 17,326.13	\$ 17,326.13	\$ 17,326.13	\$ 7,562.62	\$ 7,562.62	\$ 7,562.62	56%	56%	56%	56%
Birmingham	F	1	\$ 10,295.30	\$ 16,220.38	\$ 16,220.38	\$ 16,220.38	\$ 16,220.38	\$ 5,925.08	\$ 5,925.08	\$ 5,925.08	63%	63%	63%	63%
Portland	H	1	\$ 5,149.96	\$ 15,299.74	\$ 15,299.74	\$ 15,299.74	\$ 15,299.74	\$ 10,149.78	\$ 10,149.78	\$ 10,149.78	34%	34%	34%	34%
Indianapolis	F	1	\$ 5,656.23	\$ 15,087.38	\$ 15,087.38	\$ 15,087.38	\$ 15,087.38	\$ 9,431.15	\$ 9,431.15	\$ 9,431.15	37%	37%	37%	37%
Des Moines-Quad Cities	F	1	\$ 9,054.17	\$ 15,030.70	\$ 15,030.70	\$ 15,030.70	\$ 15,030.70	\$ 5,976.53	\$ 5,976.53	\$ 5,976.53	60%	60%	60%	60%
San Antonio	F	1	\$ 6,302.27	\$ 14,932.62	\$ 14,932.62	\$ 14,932.62	\$ 14,932.62	\$ 8,630.35	\$ 8,630.35	\$ 8,630.35	42%	42%	42%	42%

**RAM MOBILE DATA USA, L.P.  
KARNAK PROJECT**

Market	Block	Priority	RAM's Upfront Payment	\$0.02 per Mhz-Pop	Payments on An Alterantive Properties			VARIANCE over/ (under) RAM's pymt			RAM's payment as % of				
					Highest Upfront Payment	2nd Highest Upfront Payment	3rd Highest Upfront Payment	Highest Upfront Payment	2nd Highest Upfront Payment	3rd Highest Upfront Payment	\$0.02 per Mhz-Pop	Highest Upfront Payment	2nd Highest Upfront Payment	3rd Highest Upfront Payment	
Kansas City	F	1	\$ 6,278.89	\$ 14,566.52	\$ 14,566.52	\$ 14,566.52	\$ 14,566.52	\$ 14,566.52	\$ 8,287.63	\$ 8,287.63	\$ 8,287.63	43%	43%	43%	43%
Buffalo Rochester	D	1	\$ 2,028.02	\$ 13,885.23	\$ 13,885.23	\$ 13,885.23	\$ 13,885.23	\$ 13,885.23	\$ 11,857.21	\$ 11,857.21	\$ 11,857.21	15%	15%	15%	15%
Salt Lake City	F	1	\$ 4,599.82	\$ 12,866.86	\$ 12,866.86	\$ 12,866.86	\$ 12,866.86	\$ 12,866.86	\$ 8,267.04	\$ 8,267.04	\$ 8,267.04	36%	36%	36%	36%
Jacksonville	O	1	\$ 3,853.86	\$ 11,374.67	\$ 11,374.67	\$ 11,374.67	\$ 11,374.67	\$ 11,374.67	\$ 7,520.81	\$ 7,520.81	\$ 7,520.81	34%	34%	34%	34%
Columbus	F	1	\$ 2,702.37	\$ 10,727.81	\$ 10,727.81	\$ 10,727.81	\$ 10,727.81	\$ 10,727.81	\$ 8,025.44	\$ 8,025.44	\$ 8,025.44	25%	25%	25%	25%
El Paso Albuquerque	F	1	\$ 4,146.75	\$ 10,569.45	\$ 10,569.45	\$ 10,569.45	\$ 10,569.45	\$ 10,569.45	\$ 6,422.70	\$ 6,422.70	\$ 6,422.70	39%	39%	39%	39%
Little Rock	F	1	\$ 7,649.46	\$ 10,258.34	\$ 10,258.34	\$ 10,258.34	\$ 10,258.34	\$ 10,258.34	\$ 2,608.88	\$ 2,608.88	\$ 2,608.88	75%	75%	75%	75%
Oklahoma City	F	1	\$ 4,793.90	\$ 9,387.39	\$ 9,387.39	\$ 9,387.39	\$ 9,387.39	\$ 9,387.39	\$ 4,593.49	\$ 4,593.49	\$ 4,593.49	51%	51%	51%	51%
Spokane-Billings	F	1	\$ 6,387.03	\$ 9,316.68	\$ 9,316.68	\$ 9,316.68	\$ 9,316.68	\$ 9,316.68	\$ 2,929.39	\$ 2,929.39	\$ 2,929.39	69%	69%	69%	69%
Nashville	F	1	\$ 2,933.00	\$ 8,836.96	\$ 8,836.96	\$ 8,836.96	\$ 8,836.96	\$ 8,836.96	\$ 5,903.96	\$ 5,903.96	\$ 5,903.96	33%	33%	33%	33%
Knoxville	F	1	\$ 2,672.62	\$ 8,609.56	\$ 8,609.56	\$ 8,609.56	\$ 8,609.56	\$ 8,609.56	\$ 5,936.94	\$ 5,936.94	\$ 5,936.94	31%	31%	31%	31%
Omaha	F	1	\$ 3,633.89	\$ 8,296.37	\$ 8,296.37	\$ 8,296.37	\$ 8,296.37	\$ 8,296.37	\$ 4,662.48	\$ 4,662.48	\$ 4,662.48	44%	44%	44%	44%
Wichita	F	1	\$ 3,188.88	\$ 5,620.87	\$ 5,620.87	\$ 5,620.87	\$ 5,620.87	\$ 5,620.87	\$ 2,431.99	\$ 2,431.99	\$ 2,431.99	57%	57%	57%	57%
Honolulu	F	1	\$ 1,359.34	\$ 5,541.15	\$ 5,540.50	\$ 5,540.50	\$ 5,540.50	\$ 5,540.50	\$ 4,181.16	\$ 4,181.16	\$ 4,181.16	25%	25%	25%	25%
Honolulu	H	1	\$ 1,359.34	\$ 5,541.15	\$ 5,540.50	\$ 5,540.50	\$ 5,540.50	\$ 5,540.50	\$ 4,181.16	\$ 4,181.16	\$ 4,181.16	25%	25%	25%	25%
Tulsa	F	1	\$ 1,446.08	\$ 5,481.98	\$ 5,481.98	\$ 5,481.98	\$ 5,481.98	\$ 5,481.98	\$ 4,035.90	\$ 4,035.90	\$ 4,035.90	26%	26%	26%	26%
<b>Grand Total</b>			<b>\$ 479,281.21</b>	<b>\$ 2,255,490.35</b>	<b>\$ 1,075,821.20</b>	<b>\$ 503,290.19</b>	<b>\$ 191,842.04</b>	<b>\$ 1,319,974.90</b>	<b>\$ 1,272,524.80</b>	<b>\$ 1,182,284.04</b>					
							<b>TOTAL:</b>	<b>\$ 1,770,953.43</b>							