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September 8, 2008

**VIA ECFS**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

Re: **Commercial Mobile Service Provider Elections Regarding Participation in the Commercial Mobile Alert System, PS Docket No. 08-146**

Dear Ms. Dortch:

We submit this letter on behalf of Leap Wireless International, Inc., and its Cricket licensee and operating subsidiaries (collectively, “Leap”) to describe Leap’s election to participate in the Commercial Mobile Alert System (“CMAS”).<sup>1</sup> As a Commercial Mobile Service (“CMS”) provider within the meaning of the Section 602(a) of the WARN Act, Leap hereby elects to participate in whole in the CMAS.

Specifically, Leap agrees to transmit alerts in a manner consistent with the technical standards, protocols, procedures, and other technical requirements implemented by the Commission. Leap commits its support to the development and deployment of technology for the “C” interface, the CMS provider Gateway, the CMS provider infrastructure, and mobile devices with CMAS functionality and support for the CMS provider technology.

Leap notes that, in recognition of the considerable work that remains to be done on the Alert Aggregator/Gateway and the lack of Government Interface Design Specifications, the Commission has declined to require CMS providers to provide detailed information on the timing of the availability of mobile alerting.<sup>2</sup> Furthermore, while the *Third Order* sets a timeline

<sup>1</sup> *The Commercial Mobile Alert System*, Third Report and Order, PS Docket No. 07-287, FCC 08-184, ¶ 32 (2008) (“*Third Order*”).

<sup>2</sup> *Id.* at ¶ 32.

for general implementation and deployment of the CMAS,<sup>3</sup> it does not provide a definition for participation “in part” and “in whole” that clarifies the required timeline for the rollout of emergency alert-enabled handsets.

Because of the substantial technical issues still awaiting resolution and the cost and difficulty of widespread handset replacement, Leap cannot at this early date guarantee that all customer handsets will support emergency alerts from the first day the CMAS goes live. However, Leap is committed to making commercially reasonable efforts to ensure 100% support for mobile alerts at the earliest possible date.

Very truly yours,

*/s/ James H. Barker*\_\_\_\_\_

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<sup>3</sup> *Id.* at ¶ 53.