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February 2, 2010

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Federal Communications Commission
Office of the Secretary

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

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ORIGINAL

Re: **Cricket Communications, Inc., WC Docket No. 09-197**
Request for Confidential Treatment

Dear Ms. Dortch:

Pursuant to Section 0.459(b) of the Commission's rules, 47 C.F.R. § 0.459(b), Cricket Communications, Inc. ("Cricket") hereby requests confidential treatment of the identified portion of the enclosed *ex parte* letter. In support of this request, Cricket states as follows:

- (1) **Identification of the specific information for which confidential treatment is sought.** Cricket requests that the Commission afford confidential treatment to a portion of the enclosed *ex parte* letter redacted from the "public" version of that letter ("Confidential Material").
- (2) **Identification of the Commission proceeding in which the information was submitted or a description of the circumstances giving rise to the submission.** The Confidential Material is being filed in WC Docket No. 09-197 pursuant to Section 1.1206 of the Commission's rules. 47 C.F.R. § 1.1206.
- (3) **Explanation of the degree to which the information is commercial or financial, or contains a trade secret or is privileged.** The Confidential Material contains confidential and proprietary information relating to Cricket's subscriber levels. Disclosure of this information would afford Cricket's competitors undue insight into Cricket's business operations, giving them an unwarranted competitive advantage over Cricket.
- (4) **Explanation of the degree to which the information concerns a service that is subject to competition.** The Confidential Material concerns Cricket's wireless service offerings. As the Commission has observed on numerous occasions, these offerings are subject to vigorous competition.
- (5) **Explanation of how disclosure of the information could result in substantial competitive harm.** As noted above, the Confidential Material contains

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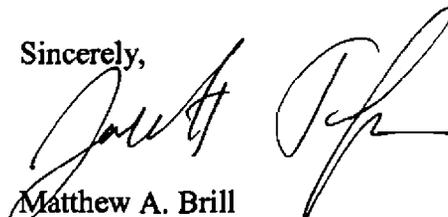
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confidential and proprietary information relating to Cricket's subscriber levels. Disclosure of this information would afford Cricket's competitors undue insight into Cricket's business operations, giving them an unwarranted competitive advantage over Cricket.

- (6) **Identification of any measures taken by the submitting party to prevent unauthorized disclosure.** Cricket treats the Confidential Material as highly confidential and proprietary; the Confidential Material would not normally be distributed, circulated, or provided to any party other than Cricket, its legal counsel and outside consultants.
- (7) **Identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties.** The Confidential Material is not available to the public, and has not previously been disclosed to third parties.
- (8) **Justification of the period during which the submitting party asserts that material should not be available for public disclosure.** Cricket maintains that the Confidential Material should remain subject to confidential treatment indefinitely, as even historical subscriber levels could give competitors unwarranted insight into Cricket's operations.
- (9) **Any other information that the party seeking confidential treatment believes may be useful in assessing whether its request for confidentiality should be granted.** Cricket notes that the Confidential Material falls under Exemption 4 of the Freedom of Information Act (FOIA), insofar as this information is (i) commercial or financial in nature; (ii) obtained by a person outside government; and (iii) privileged and confidential. *See Washington Post Co. v. U.S. Department of Health and Human Services*, 690 F.2d 252 (D.C. Cir. 1982).

Please contact the undersigned should you have any questions concerning this filing.

Sincerely,



Matthew A. Brill
Jarrett S. Taubman

Counsel for Cricket Communications, Inc.

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Ms. Marlene H. Dortch

Secretary

Federal Communications Commission

445 12th Street, S.W.

Washington, DC 20554

Federal Communications Commission
Office of the Secretary

Re: Cricket Communications, Inc., WC Docket No. 09-197
Ex Parte Presentation

Dear Ms. Dortch:

On behalf of Cricket Communications, Inc. ("Cricket"), we are writing to supplement the record with respect to Cricket's pending petition for designation as an eligible telecommunications carrier ("ETC") for the limited purpose of offering Lifeline and Link Up services in New York, North Carolina, Tennessee, Virginia and the District of Columbia. More specifically, in response to a request from Commission staff, we are providing in the following table Cricket's approximate subscriber counts in each of these states:

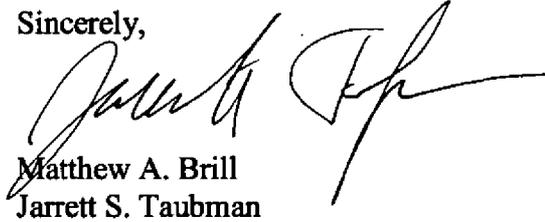
*** BEGIN CONFIDENTIAL

*** END CONFIDENTIAL

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Please contact the undersigned if you have any questions regarding this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Jarrett S. Taubman". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Matthew A. Brill
Jarrett S. Taubman

Counsel for Cricket Communications, Inc.

Attachment

cc: Vickie Robinson
Nicholas Degani
Divya Shenoy