

ORIGINAL

IN THE  
UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

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COMMISSION  
CLERK

_____ )	
NATIONAL ASSOCIATION OF STATE )	
UTILITY CONSUMER ADVOCATES )	
)	
<i>Petitioner,</i> )	
)	
v. )	No. 05-11682-D
)	
FEDERAL COMMUNICATIONS COMMISSION )	
AND THE UNITED STATES OF AMERICA )	
)	
<i>Respondents.</i> )	
_____ )	

MOTION FOR LEAVE TO INTERVENE

Leap Wireless International, Inc. ("Leap"),<sup>1</sup> by its attorneys, respectfully moves for leave to intervene as a matter of right in the above-captioned review proceeding pursuant to F.R.A.P. 15(d), 11<sup>th</sup> Circuit Rule 15-4 and 28 U.S.C. § 2348. Petitioner, the National Association of State Utility Consumer Advocates ("NASUCA") seeks review of the *Second Report and Order,*

CMP \_\_\_\_\_ *Declaratory Ruling, and Second Further Notice of Proposed Rulemaking* of the Federal  
 COM \_\_\_\_\_ Communications Commission ("FCC" or "Commission") in the matter of *Truth-in-Billing and*  
 CTR \_\_\_\_\_ *Billing Format and the National Association of State Utility Consumer Advocates' Petition for*  
 ECR \_\_\_\_\_  
 SOL \_\_\_\_\_ *Declaratory Ruling Regarding Truth-in-Billing, CC Docket Nos. 98-170 and 04-208, FCC 05-55*  
 OPC \_\_\_\_\_ (rel. Mar. 18, 2005). The *Declaratory Ruling* denied NASUCA's request seeking to prohibit  
 JMS \_\_\_\_\_  
 NCA \_\_\_\_\_  
 RCR \_\_\_\_\_

EC \_\_\_\_\_  
 TH Lockard Leap is a commercial mobile radio services ("CMRS") provider, and constructs, operates and holds interests in numerous wireless telecommunications systems throughout the United States through various subsidiaries and affiliates.

DOCUMENT NUMBER-DATE

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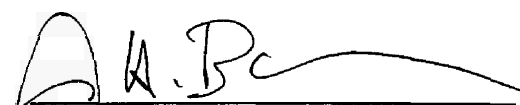
telecommunications carriers – including CMRS carriers – from imposing any separate line item or surcharge on customers’ bills not mandated or authorized by federal, state or local law.

Leap moves to intervene on the side of the Respondents, the FCC and the United States of America, in support of certain findings and conclusions of law in the *Declaratory Ruling* that have been challenged by NASUCA.

Leap participated in the FCC proceeding below. Leap is directly affected by the agency’s ruling dealing with the manner in which CMRS carriers charge their customers. Leap will be adversely affected if the *Declaratory Ruling* “is ... enjoined, set aside, or suspended.” 28 U.S.C. § 2348. Therefore, as a “party in interest in the proceeding before the agency whose interests will be affected” by this review proceeding, Leap is entitled to intervene “as [a matter] of right.” 28 U.S.C. § 2348.

Respectfully submitted,

LEAP WIRELESS INTERNATIONAL, INC.

By:   
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(202) 637-2200

*Its Attorneys*

April 26, 2005

**IN THE  
UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT**

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NATIONAL ASSOCIATION OF STATE	)	
UTILITY CONSUMER ADVOCATES	)	
	)	
<i>Petitioner,</i>	)	
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v.	)	No. 05-11682-D
	)	
FEDERAL COMMUNICATIONS COMMISSION	)	
AND THE UNITED STATES OF AMERICA	)	
	)	
<i>Respondents.</i>	)	
	)	

**CERTIFICATE OF INTERESTED PERSONS AND  
CORPORATE DISCLOSURE STATEMENT**

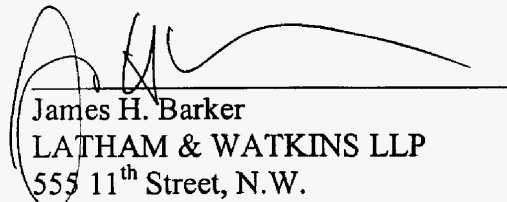
Pursuant to Circuit Rule 26.1-1 of the United States Court of Appeals for the Eleventh Circuit and F.R.A.P. 26.1, Leap Wireless International, Inc. (“Leap”), by its attorneys, respectfully submits this certificate of interested persons and corporate disclosure statement.

Leap, along with its wholly-owned subsidiaries doing business under the brand name “Cricket,” is a provider of wireless voice and data commercial mobile radio services. Leap’s stock is publicly traded on the Over-The-Counter Bulletin Board. No publicly held company owns 10% or more of Leap’s stock.

Respectfully submitted,

LEAP WIRELESS INTERNATIONAL

By:

A handwritten signature in black ink, appearing to read 'James H. Barker', is written over a horizontal line. The signature is fluid and cursive.

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April 26, 2005

## CERTIFICATE OF SERVICE

I, James H. Barker, hereby certify that on this 26<sup>th</sup> day of April 2005, copies of the foregoing "Motion for Leave to Intervene" were served via first class U.S. Mail, postage prepaid, on the following:

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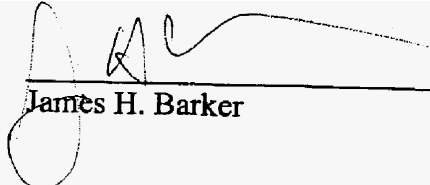
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