

EDWARD J. MARKEY
MASSACHUSETTS

COMMITTEES:

COMMERCE, SCIENCE, AND TRANSPORTATION
SMALL BUSINESS AND ENTREPRENEURSHIP
FOREIGN RELATIONS

CHAIRMAN:

SUBCOMMITTEE ON INTERNATIONAL DEVELOPMENT AND
FOREIGN ASSISTANCE, ECONOMIC AFFAIRS,
INTERNATIONAL ENVIRONMENTAL PROTECTION, AND
PEACE CORPS

United States Senate

SUITE SR-218
RUSSELL BUILDING
WASHINGTON, DC 20510-2107
(202) 224-2742

1 BOWDOIN SQUARE, 10TH FLOOR
BOSTON, MA 02114
617-565-8519

222 MILLIKEN BOULEVARD, SUITE 312
FALL RIVER, MA 02721
508-677-0523

1550 MAIN STREET, 4TH FLOOR
SPRINGFIELD, MA 01101
413-785-4610

September 12, 2013

S. Douglas Hutcheson
Chief Executive Officer and President
Leap Wireless Inc. / Cricket Communications, Inc.
5887 Copley Drive
San Diego, CA 92111

Dear Mr. Hutcheson:

The tragic Boston marathon bombings and subsequent violence this spring in Massachusetts reminded us how mobile phone information can serve as an important tool for law enforcement to protect citizens and bring wrongdoers to justice. It is also evident from these recent events how wireless carriers play a crucial role in assisting law enforcement with their investigations. I thank you for your continued commitment to serving the public.

Last year, I sent letters to your company and the country's other major wireless carriers asking about your policies for sharing customers' mobile phone information with law enforcement agencies. Your responses proved invaluable in understanding these practices. In a first-ever accounting of its kind, the carriers reported that 1.3 million federal, state, and local law enforcement requests for cell phone records were made in 2011. According to the responses I received from your company and the others, information shared with law enforcement includes a wide range of data including geolocation information, content of text messages, and wiretaps.

A full year has past since my previous request for information, and I respectfully request that you submit records for the year 2012. I ask that you provide answers to the follow questions:

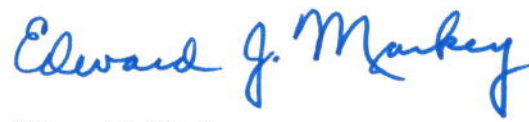
1. In 2012, how many total requests did your company receive from law enforcement to provide information about your customers' phone usage?
 - a. Within that total, please list the amount of requests your company received for each type of usage, including but not limited to the following: 1) Geolocation of device (please distinguish between historical and real-time); 2) Call detail records (i.e., pen register and trap and trace); 3) Text message content; 4) Voicemail; 5) Cell tower dumps; 6) Wiretapping; 7) Subscriber information; 8) Data requests (e.g., Information on URLs visited).
 - b. Within that total, how many of the requests were made in emergency circumstances, and how many were in non-emergency situations?

- c. Within that total, how many of the requests did your company fulfill and how many did it deny? If it denied any requests, for what reasons did it issue those denials?
 - d. Within that total, please breakdown how many of the requests were made by Federal authorities, how many by state authorities, and how many by local authorities.
2. For each type of usage in 1(a), how long does your company retain the records?
3. What is the average amount of time law enforcement requests for one cell tower dump (e.g., one hour, 90 minutes, two hours, etc.)? For each hour of a cell tower dump that your company provides, on average how many mobile device numbers are turned over to law enforcement?
4. In 2012, how many requests did your company receive under Section 215 of the Patriot Act?
5. What protocol or procedure does your company employ when receiving these requests?
 - a. What legal standard do you require law enforcement to meet for each type of usage in 1(a)?
 - b. Does your company distinguish between emergency cell phone tracking requests from law enforcement and non-emergency tracking requests? If yes, what are the distinctions?
 - c. Have any of these practices changed since your May 2012 correspondence?
6. Did your company encounter misuse of cell phone tracking by police departments during 2012? If yes, in what ways has tracking been misused? And if yes, how has your company responded?
7. Does your company have knowledge of law enforcement authorities that use their own tracking equipment (e.g., Stingray phone trackers)? If yes, please explain. Does your company cooperate with law enforcement that uses its own tracking equipment? If yes, how?
8. In 2012, did your company receive money or other forms of compensation in exchange for providing information to law enforcement? If yes, how much money did your company receive? And if yes, how much does your company typically charge for specific services (please refer to the list in 1(a) above)?

- a. Does your company charge different amounts depending upon whether the request is for emergency or non-emergency purposes? Does your company charge fees for emergency cell phone tracking requests from police departments?
- b. Please include any written schedule of any fees that your company charges law enforcement for these services.

Thank you for your attention to this important matter. Please provide responses to these questions no later than October 3, 2013. If you have any questions, please have a member of your staff contact Joseph Wender at 202-224-2742.

Sincerely,



Edward J. Markey