

November 14, 2025

Michael D. Bopp

Direct: [REDACTED]

Fax: [REDACTED]

CONFIDENTIAL

VIA ELECTRONIC MAIL

The Honorable Charles E. Grassley
Chairman
Committee on the Judiciary
United States Senate
Washington, DC

The Honorable Ron Johnson
Chairman
Permanent Subcommittee on Investigations
United States Senate
Washington, DC

Re: Second Response to October 11, 2025 Letter to AT&T Services, Inc.

Dear Chairman Grassley and Chairman Johnson:

We write with a second response to your letter (the “Letter”) dated October 11, 2025, as part of your inquiry into subpoenas issued by former Special Counsel Jack Smith.

AT&T is producing today a January 23, 2023 grand jury subpoena issued by former Special Counsel Jack Smith to AT&T, also accompanied by a non-disclosure order relating to the subpoena. *See* AT&T – PSI – OSC – 000001 through AT&T – PSI – OSC – 000012. Media outlets reported this week that former Special Counsel Smith subpoenaed cellphone records related to then-Speaker of the House, Kevin McCarthy. We believe the subpoena referenced in those reports is the January 23, 2023 subpoena that we are producing today. We identified it yesterday as such based on the phone number in the subpoena. Based on this newly found record, we write to correct our October 24, 2025 response, which was based on a reasonable review of our records at that time.

AT&T’s Global Legal Demand Center receives hundreds of thousands of legal demands each year, and unlike the May 2023 subpoena discussed in our October 24 response, the subpoena we produce today did not seek records from a campaign account. Rather, as confirmed from press accounts, the subpoena sought records for a personal cellular phone number. It also did not in any way indicate that the information sought related to a member of Congress. As a result, the subpoena processing center had no reason to believe that the phone number was associated with a member of Congress, and AT&T did not make further inquiries to the Special Counsel and produced the information as required by the subpoena.

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The Hon. Charles E. Grassley
The Hon. Ron Johnson

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November 14, 2025
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Based on a diligent review of our records, we believe our response to your October 11, 2025 letter is complete. It also underscores that our information about DOJ subpoenas is limited and that the DOJ is the best source of information about its subpoenas.

This response contains AT&T confidential, trade secret, and/or proprietary information. We have marked this letter "Confidential" and request that it not be disclosed beyond the Subcommittee or Committee or made public. We ask that you treat this letter as a confidential committee record in accordance with Standing Rule of the Senate XXIX, clause 5 or other applicable rules, afford it the maximum protection available to information provided to the Subcommittee or Committee, inform us of any proposed use by the Subcommittee or Committee of the information contained herein, and provide AT&T with an opportunity to be heard prior to any such proposed use.

Please feel free to have your staff contact me with any questions concerning this response.

Sincerely,



Michael D. Bopp

cc: The Honorable Marsha Blackburn
The Honorable Lindsey O. Graham
The Honorable Bill Hagerty
The Honorable Josh Hawley
The Honorable Cynthia Lummis
The Honorable Dan Sullivan
The Honorable Tommy Tuberville
The Honorable John Cornyn
The Honorable Michael S. Lee
The Honorable Ted Cruz
The Honorable Thom Tillis
The Honorable John Kennedy
The Honorable Eric S. Schmitt
The Honorable Katie Boyd Britt
The Honorable Ashley Moody
The Honorable Mike Kelly

From: [REDACTED]
Sent: Tuesday, January 24, 2023 11:10 AM
To: [REDACTED]
Subject: Submission of Federal Criminal Grand Jury Subpoena - [REDACTED]
Attachments: [REDACTED]

Good morning,

Please find attached below a grand jury subpoena with a non-disclosure order requesting records held by [REDACTED] relevant to a federal criminal investigation (U.S. Special Counsel Office of Jack Smith's reference # [REDACTED]).

A description of the requested records is set forth in the body of the subpoena. Records produced electronically to my attention at the captioned email address are preferred. If possible, EST for times provided in the production is preferred.

Thanks very much. Please let me know if you have any questions.

Best,

[REDACTED]
Federal Bureau of Investigation
Washington Field Office
[REDACTED]

[REDACTED]

[REDACTED]

UNITED STATES DISTRICT COURT
for the
District of Columbia

SUBPOENA TO TESTIFY BEFORE A GRAND JURY

To:



YOU ARE COMMANDED to appear in this United States district court at the time, date, and place shown below to testify before the court's grand jury. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

Place: U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA U.S. Courthouse, 3 rd Floor Grand Jury #22-7 333 Constitution Avenue, N.W. Washington, D.C. 20001	Date and Time: Tuesday February 7, 2023 at 9:00 AM
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You must also bring with you the following documents, electronically stored information, or objects:

PLEASE SEE ATTACHMENT

In lieu of personally appearing before the Grand Jury on the date indicated, you may comply with this grand jury subpoena by promptly providing the agent designated in the attachment with the requested records.

Date: January 23, 2023

CLERK OF COURT



Signature of Clerk or Deputy Clerk

The name, address, telephone number and email of the Assistant Special Counsel, who requests this subpoena, are:

950 Pennsylvania Ave. NW, Room B-206
Washington, DC 20530
Email:

Subpoena



[REDACTED] [REDACTED]

Grand Jury Subpoena Attachment

For any and all accounts associated with the following identifiers:

[REDACTED]

Provide the following records from November 3, 2020, through January 8, 2021:

- Subscriber information
- Names (including subscriber names, user names, and screen names)
- Addresses (including mailing addresses, residential addresses, business addresses, and e-mail addresses)
- All call detail records, including but not limited to detail records for inbound and outbound calls, text messages, direct connect, and voicemail messages
- Length of service (including start date) and types of service utilized
- Means and source of payment for such service (including any credit card or bank account number) and billing records
- Telephone or instrument numbers (including MAC addresses, Electronic Serial Numbers (“ESN”), Mobile Electronic Identity Numbers (“MEIN”), Mobile Equipment Identifier (“MEID”), Mobile Identification Numbers (“MIN”), Subscriber Identity Modules (“SIM”), Mobile Subscriber Integrated Services Digital Network Number (“MSISDN”), International Mobile Subscriber Identifiers (“IMSI”), or International Mobile Station Equipment Identities (“IMEI”))
- Records of session times and durations, and the temporarily assigned network addresses (such as Internet Protocol (“IP”) addresses) associated with those sessions
- Other subscriber numbers or identities (including temporarily assigned network addresses and registration Internet Protocol (“IP”) addresses (including carrier grade natting addresses or ports))

NOTE: IN LIEU OF PERSONAL APPEARANCE, YOU MAY COMPLY WITH THIS SUBPOENA BY PROVIDING THE REQUESTED DOCUMENTS IN ELECTRONIC FORMAT TO:

[REDACTED]

IF YOU CHOOSE TO COMPLY WITH THIS SUBPOENA BY PRODUCING THE MATERIALS TO A FEDERAL AGENT, PLEASE ALSO REVIEW AND EXECUTE THE ATTACHED CERTIFICATION UNDER FEDERAL RULES OF EVIDENCE 803(6) AND 902(11).

[REDACTED]

[REDACTED]



U.S. Department of Justice

Jack Smith
Special Counsel

950 Pennsylvania Ave. NW
Room B-206
Washington, DC 20530

January 23, 2023

VIA Electronic Mail



Re: Grand Jury Subpoena [REDACTED]

Dear Sir or Madam:

Pursuant to a criminal investigation being conducted by the Department of Justice, it is required that you furnish the requested records as described in the attached subpoena.

In lieu of personally appearing before the Grand Jury on the date indicated, you may comply with this grand jury subpoena by promptly providing the agent designated in the attachment with the requested records. If you choose to provide the requested records voluntarily, please provide them in a non-proprietary electronic format via FedEx, UPS or DHL. Also enclosed please find a blank "Declaration of Custodian of Records" form. It may save time and costs if an appropriate person at your business could complete the form and return it with the records. A properly completed "Declaration of Custodian of Records" form will make it more likely that we could present the records at trial without requiring you or another employee to come to court and testify.

Under the Electronic Communications Privacy Act, 18 U.S.C. § 2701 et seq., electronic communications services providers responding to a grand jury subpoena for production of certain records are entitled to reimbursement for some of the costs involved in compliance. Reimbursement may not be made for records or other information relating to telephone toll records and listings described in 18 U.S.C. § 2703(c)(2). Please note that under the Act, the Department of Justice will not reimburse expenses incurred for the production of information kept in the ordinary course of business. An exception can be made if compliance with a grand jury subpoena requires the expenditure of unusual effort or resources. In that circumstance, reimbursement of the "reasonable cost" of such services can be made if the government and subpoena recipient mutually agree on the amount, or if the court orders reimbursement.



If you believe that you are entitled to reimbursement, please send a full and complete itemized statement for all costs in an invoice that makes clear the basis for the reimbursement request.

NO REIMBURSEMENT WILL BE MADE WITHOUT (1) A FULL AND COMPLETE ITEMIZED STATEMENT OF ALL COSTS BEARING YOUR TAXPAYER IDENTIFICATION NUMBER, (2) A COMPLETED SCO-212 FORM, AND (3) A COPY OF THE SUBPOENA.

Moreover, no reimbursements will be paid for partial compliance with the grand jury subpoena. Accordingly, no invoice should be submitted to this office until compliance with the grand jury subpoena is complete, and the accompanying invoice represents a final and complete invoice for all qualified costs involved in that compliance. **Please submit all invoices directly to the Assistant Special Counsel at the address indicated in this letterhead.**

Enclosed please find a nondisclosure order from the court directing [REDACTED] not to notify any person (including the subscriber or customer) of the existence or content of this subpoena. You are directed not to disclose the existence of this subpoena or the fact of your compliance. Any such disclosure on your part could impede the investigation being conducted and thereby interfere with the enforcement of the law. We appreciate your cooperation in this matter.

Sincerely,

JACK SMITH
SPECIAL COUNSEL

By [REDACTED]

950 Pennsylvania Ave. NW, Room B-206
Washington, DC 20530
[REDACTED]

[REDACTED]

[REDACTED]

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

**IN RE APPLICATION OF USA FOR
2705(b) NONDISCLOSURE ORDER FOR
GRAND JURY SUBPOENA**
[REDACTED]

SC No. 23-SC-142

Filed Under Seal

ORDER

This matter having come before the Court pursuant to an application under 18 U.S.C. § 2705(b) requesting an order directing [REDACTED] (“PROVIDER”), an electronic communication and/or remote computing service provider located in [REDACTED] not to notify any other person of the existence of subpoena number [REDACTED] issued by the United States on behalf of a federal Grand Jury empaneled in the United States District Court for the District of Columbia (the “Subpoena”), the Court finds reasonable grounds to believe that such disclosure will result in flight from prosecution, destruction of or tampering with evidence, intimidation of potential witnesses, and serious jeopardy to the investigation. *See* 18 U.S.C. § 2705(b)(3)-(5).

IT IS THEREFORE ORDERED that, pursuant to 18 U.S.C. § 2705(b), PROVIDER and its employees shall not disclose the existence of the Subpoena to any other person (except attorneys for PROVIDER for the purpose of receiving legal advice) for a period of one year (commencing on the date of this Order), unless the period of nondisclosure is later modified by the Court.

[REDACTED]

[REDACTED]

IT IS FURTHER ORDERED that the application and this Order are sealed until otherwise ordered by the Court.

Date:



Paul A. Bur

2023.01.20

16:34:08 -05'00'

UNITED STATES MAGISTRATE JUDGE

This form shall be used when requesting communications content, records, or other information from electronic communications or remote computing service providers under the ECPA.

1 Tracking Number: [REDACTED]	2 Date Order Prepared:	3 SCO Reference Number: N/A
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Section A – Authorization and Purchase Order

4 Name and Address of Service Provider: [REDACTED]	Funding Certification & Authorization:	A. Budget Official Signature	Funding Available	Date
		B. Approving Official Signature		Date

5 Deliver Records To: [REDACTED] 950 Pennsylvania Ave. NW, Room B-206 Washington, DC 20530	Send Completed SCO-212 Form & Invoice To: [REDACTED]	6 Return Date:
-----------------------------------------------------------------------------------------------------	---------------------------------------------------------	----------------

7 Remarks: Do not proceed with compliance if the total cost will exceed [REDACTED] without prior approval. To obtain approval, call the requestor listed in Item 8. If invoicing for these services is expected to exceed 120 days, please notify the United States Attorney's Office immediately to ensure funds remain available for payment. Please see the attached Important Notice for additional information on invoicing and other requirements for reimbursement.

8 Name of Requestor:	9 Telephone Number:	10 Date of request:
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Section B - ECPA Service Provider Invoice

11A Invoice Number:	11B Tax ID Number:	Quantity	Unit Price		Amount
			Cost	Per	
11C Service(s)/Records Provided:					
The costs above (or on the attached invoice) represent direct costs and have been incurred in searching for, assembling, reproducing or otherwise providing the requested information.					

12 Signature of Service Provider Representative:	13 Date Signed:	Total Amount Claimed By Service Provider
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Section C - Receiving Report

14 I certify that the articles and services listed were received:	15 Date Received:	16 Disallowance (See Attached)	17 Net to Service Provider
-------------------------------------------------------------------	-------------------	--------------------------------	----------------------------

18 Electronic Communications Privacy Act - Public Law 99-508 (18 U.S.C. 2701-2712) Request Pursuant To: <i>(Only One Section at Left Should Be Checked)</i>	19 Signature of Approving Official: _____ Date: _____																
<table border="0"> <tr> <td>SECTION</td> <td>OBJECT CLASS</td> </tr> <tr> <td><input type="checkbox"/> 2702 Voluntary Disclosure</td> <td>2570</td> </tr> <tr> <td><input checked="" type="checkbox"/> 2703 Compelled Disclosure</td> <td>2570</td> </tr> <tr> <td><input type="checkbox"/> Search Warrant</td> <td>2570</td> </tr> <tr> <td><input checked="" type="checkbox"/> Grand Jury Subpoena</td> <td>2570</td> </tr> <tr> <td><input type="checkbox"/> Court Order</td> <td>2570</td> </tr> <tr> <td><input type="checkbox"/> Administrative or Judicial Subpoena</td> <td>2570</td> </tr> <tr> <td><input type="checkbox"/> 2704 Request for Information Following Preservation</td> <td>2570</td> </tr> </table>	SECTION	OBJECT CLASS	<input type="checkbox"/> 2702 Voluntary Disclosure	2570	<input checked="" type="checkbox"/> 2703 Compelled Disclosure	2570	<input type="checkbox"/> Search Warrant	2570	<input checked="" type="checkbox"/> Grand Jury Subpoena	2570	<input type="checkbox"/> Court Order	2570	<input type="checkbox"/> Administrative or Judicial Subpoena	2570	<input type="checkbox"/> 2704 Request for Information Following Preservation	2570	20 Funding Source: _____ Accounting Code: _____ Program: _____ 21 Other Accounting/Fund Information: Program Code: _____ Project Code: _____ YREGDOC: Call Number (if applicable): OBL Month (YRMO): Tax ID Number:
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22 Remarks:																	

The costs above (or on the attached invoice) appear to be reasonably necessary and to have been directly incurred in searching for, assembling, reproducing or otherwise providing requested information

Signature of Department of Justice Representative _____ Date _____

DECLARATION OF CUSTODIAN OF RECORDS

Pursuant to 28 U.S.C. §1746, I, the undersigned, hereby declare:

My name is _____
(name of declarant)

I am a United States citizen and I am over eighteen years of age. I am the custodian of records of the business named below, or I am otherwise qualified as a result of my position with the business named below to make this declaration. I have knowledge of the record keeping system used by this business; this includes how records are created and maintained.

I am in receipt of a United States District Court Subpoena # [REDACTED] dated January 23, 2023, signed by [REDACTED] requesting specified records of the business named below.

Attached hereto are _____ pages of records regarding _____
(Brief description of type of documents being subpoenaed) responsive to the subpoena. I understand how these responsive documents were created. Pursuant to Rules 902(11) and 803(6) of the Federal Rules of Evidence, I hereby certify that the records attached hereto:

- (1) were made at or near the time of the occurrence of the matters set forth in the records, by, or from information transmitted by, a person with knowledge of those matters;
- (2) were kept in the course of regularly conducted business activity, in that the records were created and preserved pursuant to established procedures, and were relied upon by an employee or this business; and
- (3) were made as part of the regularly conducted business activity as a regular practice, in that the records were created and preserved as part of routine reflections of the normal operations of this business.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____
(date)

(signature of declarant)

(name and title of declarant)

(name of business)

(business address)

(business address)

Definitions of terms used above:

As defined in Fed.R.Evid. 803(6), "record" includes a memorandum, report, record, or data compilation, in any form, of acts, events, conditions, opinions, or diagnoses. The term, "business" as used in Fed.R.Evid. 803(6) and the above declaration includes business, institution, association, profession, occupation, and calling of every kind, whether or not conducted for profit



**COMPLETION OF THIS CERTIFICATION MAY ELIMINATE THE
NEED FOR APPEARANCE OF A RECORDS CUSTODIAN AT A
FUTURE DATE.**



INSTRUCTIONS FOR PRODUCTION OF RECORDS

I. **General:**

- a. Records existing as **Electronically Stored Information (ESI)** shall be produced in **non-proprietary electronic form** and shall include text data and image data held:
 - i. In your record retention systems; and/or
 - ii. By your technology, data, or other service provider(s).
- b. Records that do not exist as ESI may be produced in paper or other original format and may be converted to image or text data and provided as ESI, unless originals are required.

II. **Text Data**

- a. Text data relating to transactions shall be produced within a data file:
 - i. Using a delimited ASCII text data format; or
 - ii. Using software that can export to a commonly readable, non-proprietary file format without loss of data.
- b. Text data files relating to transactions shall include field descriptions (e.g., account number, date/time, description, payee/payor, check number, item identifier, and amount).

III. **Image Data**

- a. Image data shall be produced in graphic data files in a commonly readable, non-proprietary format with the highest image quality maintained.
- b. Image data of items associated with transactions (e.g., checks and deposit slips) shall be:
 - i. Produced in individual graphic data files with any associated endorsements; and
 - ii. Linked to corresponding text data by a unique identifier.

IV. **Encryption/Authentication**

- a. ESI may be transmitted in an encrypted container (*e.g. flash drive, CD/DVD*).
Decryption keys and/or passwords shall be produced separately at the time the data are produced. *Please do not encrypt individual file contents if the container is encrypted.*
- b. Authentication, such as hash coding, may be set by agreement.
- c. Affidavits or certificates of authenticity may be included as part of the electronic production.



[REDACTED]

From: [REDACTED]
Sent: Friday, February 3, 2023 5:01 PM
To: [REDACTED]
Subject: [REDACTED]

Importance: High

Attachment(s) listed below:

1.TIF

2.zip

Declaration.pdf

Response(s) listed below:

After conducting a thorough search of all identifiers listed in the legal demand, all available information responsive to this demand is enclosed.

[REDACTED]

o [REDACTED] | f [REDACTED] | [REDACTED]

This message and any attachments to it contain confidential business information intended solely for the recipients. If you have received this email in error please do not forward or distribute it to anyone else, but telephone [REDACTED] to report the error, and then delete this message from your system.