



National Transportation Safety Board
Office of General Counsel
Washington, DC 20594-2000

FACSIMILE COVER PAGE

To: Sprint / Nextel Subpoena Compliance Unit
6480 Sprint Parkway
Overland Park, Kansas 66251
(816) 600-3111 (FAX)

From: Christopher Julius
Assistant General Counsel
(202) 314-6080
(202) 314-6090 (FAX)

Re: Subpoena (EXPEDITED)

Date: June 24, 2008

Remarks:

Please see the enclosed subpoena for cellular telephone records. Expedited processing of this request is hereby requested.

A handwritten signature in black ink, appearing to be "C. Julius".

The attached information is confidential and intended only for the use of the named addressee(s). Anyone who received this communication in error should notify us immediately by telephone and return the documents to us at the above address.

Total number of pages (including this cover page): 6

TRANSMISSION VERIFICATION REPORT

TIME : 06/24/2009 11:50
NAME : NTSB GC
FAX : 2023146090
TEL : 2023146080
SER.# : BRDL7J728399

| | |
|--------------|-----------------|
| DATE, TIME | 06/24 11:48 |
| FAX NO./NAME | 918166003111 |
| DURATION | 00:01:16 |
| PAGE(S) | 05 |
| RESULT | OK |
| MODE | STANDARD ECM |



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National Transportation Safety Board

Office of General Counsel

490 L'Enfant Plaza East, S.W.
Washington, D.C. 20594-2001

202/314-6080
FAX 202/314-6090

June 24, 2009

VIA FACSIMILE (816) 600-3111 & FIRST-CLASS MAIL

Sprint / Nextel Subpoena Compliance Unit
6480 Sprint Parkway
Overland Park, Kansas 66251

Re: WMATA Rail Accident
June 22, 2009
Washington, D.C.

Dear Custodian of Records:

Enclosed please find a subpoena issued by the National Transportation Safety Board (NTSB) for any and all call activity (time of call, duration of call, and number) for both incoming and outgoing calls; and SMS message activity (time of message, origination, and destination) for both incoming and outgoing SMS messages, occurring between May 22, 2009, up to and including June 22, 2009, for cellular telephone number (716) 553-9713. The phone associated with this number was owned by a crewmember involved in the above-referenced accident.

Please note that while we are not currently seeking the actual textual content of any SMS messages, we ask that you preserve any such records in accordance with our preservation request made on June 23, 2009.

Under the Independent Safety Board Act, as amended, the NTSB is responsible for the investigation of, among other things, all civil aviation accidents, fatal rail accidents, and accidents involving other transportation modes. 49 U.S.C. § 1131. The statute may be viewed on our website, http://www.nts.gov/alj/NTSB_statute.htm. To carry out its responsibilities, the NTSB determines the probable cause or causes of certain accidents and makes recommendations for the improvement of safety, with the ultimate goal of preventing future accidents.

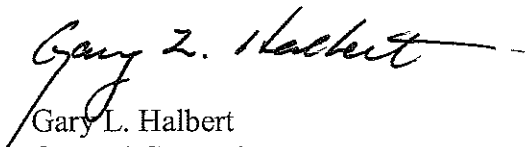
The NTSB is authorized to "conduct hearings...administer oaths, and require, by subpoena or otherwise, necessary witnesses and evidence." 49 U.S.C. § 1113(a)(1). The NTSB also may "inspect any record, process, control, or facility related to an accident investigation...." 49 U.S.C. § 1134(a)(2) and (f).

If a subpoena, order, or inspection notice of the NTSB is disobeyed, the Board may obtain a court order for enforcement from the appropriate district court of the United States. 49 U.S.C. § 1113(a)(4).

The requested records are important to the NTSB's investigation into the above-referenced accident, and we appreciate your anticipated cooperation. Please forward them via e-mail, facsimile, or regular mail to Rick Narvell, NTSB Human Performance Investigator, 490 L'Enfant Plaza East, SW, Washington, DC 20594; (202) 314-6482 (Fax); narvelr@ntsb.gov (e-mail).

If you have any questions of a legal nature, kindly contact Assistant General Counsel Christopher Julius at (202) 314-6086. Other questions regarding the requested information may be directed to Mr. Narvell at (202) 314-6422. Thank you in advance for your cooperation.

Sincerely,


Gary L. Halbert
General Counsel

Enclosure

UNITED STATES OF AMERICA
NATIONAL TRANSPORTATION SAFETY BOARD



SUBPOENA DUCES TECUM

To: Sprint / Nextel Subpoena Compliance Unit
6480 Sprint Parkway
Overland Park, Kansas 66251
(816) 600-3111

At the instance of Acting Chairman Mark V. Rosenker, of the National Transportation Safety Board, in the matter of a fatal rail collision between two Washington Metropolitan Area Transit Authority trains on June 22, 2009, in Washington, DC (NTSB Investigation No. DCA09FR007).

You are hereby required to provide the following information, documents, or records:
Call activity (time of call, duration of call, and number), for both incoming and outgoing calls; and
SMS message activity (time of message, origination, and destination), for both incoming and outgoing SMS messages, occurring between the dates of May 22, 2009, and June 22, 2009, for cellular telephone number (716) 553-9713.

This information shall be released to the National Transportation Safety Board in accordance with Title 49 of the United States Code Section 1113, which provides such authority.

A copy of the requested information shall be forwarded within 5 days to:

Rick Narvell, NTSB Human Performance Investigator, 490 L'Enfant Plaza East, SW, Washington, DC 20594; (202) 314-6482 (Fax); narvelr@ntsb.gov.

Fail not at your peril.

IN TESTIMONY WHEREOF, the undersigned, the Acting Chairman of the said National Transportation Safety Board, or an official designated by it, has hereto set his/her hand.

Signature

A handwritten signature in black ink, appearing to read "Mark V. Rosenker", written over a horizontal line.

Date

6/24/09

NATIONAL TRANSPORTATION SAFETY BOARD
490 L'ENFANT PLAZA EAST, SW
WASHINGTON, DC 20594-2000

Return of Service

I HEREBY CERTIFY that a duplicate original of the within subpoena was duly served (indicate by checking method used):

- IN PERSON
- BY LEAVING COPY AT PRINCIPAL OFFICE
OR PLACE OF BUSINESS
- BY REGISTERED OR CERTIFIED MAIL

on the person named herein on

(Month, day, and year)

(Name of person making service)

(Official title)

I CERTIFY that the person named herein has provided the information, documents, or records sought by this subpoena

on

(Month, day, and year)

(Name of person making service)

(Official title)

Pursuant to the Independent Safety Board Act of 1974, amended and recodified at 49 U.S.C. §1101 et seq., the National Transportation Safety Board (NTSB) is responsible for the investigation and the determination of the probable cause of accidents involving all transportation modes, and for issuing safety recommendations designed to prevent future accidents. The NTSB also possesses the statutory authority, under 49 U.S.C. §1134(a)(2), to "inspect any record, process, control, or facility related to an accident investigation," and, under 49 U.S.C. §1113(a)(1), to "require, by subpoena or otherwise, necessary witnesses and evidence."

Any questions of a legal nature regarding this subpoena should be directed to the NTSB's General Counsel's Office at 490 L'Enfant Plaza East, S.W., Washington, D.C. 20594-2000; telephone (202) 314-6080.