



FEDERAL ELECTION COMMISSION  
WASHINGTON, D C 20463

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

**OCT 27 2003**

America Online ("AOL")  
Custodian of Records  
22000 AOL Way  
Dulles, VA 20166

RE: MUR 5103

Dear Sir/Madam:

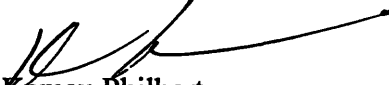
The Federal Election Commission has the statutory duty of enforcing the Federal Election Campaign Act of 1971, as amended, and Chapters 95 and 96 of Title 26, United States Code. The Commission has issued the attached subpoena, which requires AOL to provide certain information in connection with an investigation it is conducting. The Commission does not consider AOL a respondent in this matter, but rather a witness only.

Because this information is being sought as part of an investigation being conducted by the Commission, the confidentiality provision of 2 U.S.C. § 437g(a)(12)(A) applies. That section prohibits making public any investigation conducted by the Commission without the express written consent of the person with respect to whom the investigation is made. You are advised that no such consent has been given in this case.

You may consult with an attorney and have an attorney assist you in the preparation of your responses to this subpoena. However, you are required to submit the information within 30 days of your receipt of this subpoena.

If you have any questions, please contact me at (800) 424-9530 or (202) 694-1650.

Sincerely,

  
Kamau Philbert  
Attorney

Enclosure  
Subpoena

**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of

)  
)  
)

MUR 5103

**SUBPOENA TO PRODUCE DOCUMENTS**


TO: AOL Custodian of Records  
22000 AOL Way  
Dulles, VA 20166

Pursuant to 2 U.S.C. § 437d(a)(3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby subpoenas the documents listed on the attachment to this subpoena.


Notice is given that these documents must be submitted to the Office of the General Counsel, Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463, within 30 days of your receipt of this subpoena. Legible copies which, where applicable, show both sides of the documents may be substituted for originals.

WHEREFORE, the Chair of the Federal Election Commission has hereunto set her hand in Washington, D.C. on this 28th day of October, 2003.

For the Commission,

  
Ellen L. Weintraub  
Chair

ATTEST:

  
Mary W. Dove  
Secretary to the Commission

## **INSTRUCTIONS**

In responding to this request for the production of documents, furnish all documents and other information, however obtained, including hearsay, that is in your possession, custody or control, or is otherwise available to you, including documents and information appearing in your records and databases.

Should you claim a privilege with respect to any of the documents requested by this request for the production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

The following request for the production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain or locate additional documents during the pendency of this matter. Include in any supplemental responses the date upon which and the manner in which such further or different documents came to your attention.

## **DEFINITIONS**

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to subscriber and call detail information, documents maintained on computer hard drives or on computer discs, and all other writings and other data compilations from which information can be obtained.

Unless otherwise indicated, the discovery request shall refer to the time period from August 1, 2000 to date.

If any documents, electronic data, or other materials that would have been responsive to this request and were previously in your possession, custody or control were destroyed or transferred to any third party, you are requested to identify all such documents, provide the date and means of the destruction or transfer, and identify the persons who are currently in possession, custody or control of duplicate copies of any destroyed materials or the originals of any transferred materials.

### DOCUMENT REQUESTS

1. Produce all available billing information, subscriber information, electronic mails ("e-mails"), e-mail records or logs, and other information regarding e-mails sent from August 1, 2000 through September 15, 2000 for Anthony "Todd" Banasack and each subscriber assigned to the following e-mail address:

sustenon98@ AOL.com