

**UNITED STATES COURT OF APPEALS
DISTRICT OF COLUMBIA CIRCUIT**

The Irregularators, New Networks Institute,
Bruce A. Kushnick, Mark N. Cooper, Tom
Allibone, Kenneth Levy, Fred Goldstein,
and Charles W. Sherwood, Jr.,

Petitioners

Case No. 19-1085

Petition for Review of Order by the Federal
Communications Commission

v.

Federal Communications Commission and
United States of America.

Respondents

AFFIDAVIT OF CHARLES W. SHERWOOD, JR IN SUPPORT OF STANDING

1. My name is Charles W. Sherwood, Jr. I am one of the named Petitioners in the above captioned proceeding.
2. The purpose of this Affidavit is to provide evidence of standing to pursue the matter. I will provide some of the basic facts particular to my individual circumstances, but also rely on the presentations contained in the Affidavits of Bruce A. Kushnick, Mark N. Cooper and Fred Goldstein to explain why the basic facts I present below demonstrate that I have suffered (1) injury-in-fact (2) traceable to the Freeze Order (3) that could be redressed by an order from this Court holding unlawful, vacating, enjoining, and/or setting aside the Freeze Order and remanding the matter to the FCC for further consideration and action.
3. My home address is 3561 North Honeylocust Drive, Beverly Hills, Citrus County, FL. The Incumbent Local Exchange Carrier serving my residence and area is CenturyLink.
4. I currently receive the following communications services:
 - A. I receive basic local telephone exchange and exchange access service from what many call Spectrum/Charter. Although they are often thought to be a "cable company" in this instance they are also a competitive local exchange carrier (CLEC"), although their certification as such from the Florida Public Utilities Commission arises under the name of Bright House Networks, LLC. They use the same name for purposes of their FCC "214" authorizations. The Bright House entity has been assigned Operating Carrier Number ("OCN") 927D and Access Carrier Name Abbreviation ("ACNA") BHS. Bright House has published access tariffs at the state and federal level so as to be in position to recover state and federal price-regulated switched access charges from interexchange carriers that use Bright House facilities to originate or terminate toll calls, including so-called "toll VoIP." Bright House has also executed a series of "interconnection agreements" with all necessary incumbent LECs (including but not limited to AT&T, Verizon, Embarq and Consolidated) that serve in the same Local Access and Transport Area ("LATA"). This is relevant because "local" traffic exchange is also regulated by the state PSC and the FCC, and the terms of "local" traffic exchange are established through interconnection agreements rather than tariff.

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B. The presubscribed telephone toll provider (the IXC that handles all intrastate and interstate outbound non toll-free telephone toll calls) associated with my wireline basic local telephone exchange and exchange access service is also Bright House. When I receive a toll calls as part of my service the IXC for the calling party pays access charges to Bright House. When I make a toll call to some area outside the LATA Bright House is assessed access charges to the LEC associated with the other side of the call.

C. I obtain broadband service from Spectrum/Charter. This service is provided over fiber to the home. The distribution plant supporting my broadband service is the same plant used to provide my local telephone service.

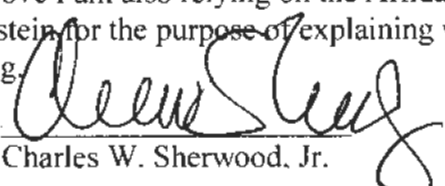
D. I obtain commercial mobile radio service (also known as "mobile wireless" or "cellular") from Sprint. As part of my service package I also receive commercial mobile data service for Internet access and other data services such as texting (SMS, MMS). My mobile wireless provider, like most others, often obtains dedicated transmission service over fiber or copper to support communications between the provider's towers and its core network, and pays the rates associated with that service to a LEC in the area.

E. Each of my communications service providers are required to pay into the state and/or federal Universal Service Fund(s), based on a percentage of the revenue they receive from me for assessable communications services. They pass this amount through to me each month (along with all other service charges, fees, assessments and taxes) as part of my bill. The service charges and, potentially, some of the separately stated fees, assessments and taxes, are mandatory parts of the bill that I pay each month.

F. The FCC is charged with regulating the jurisdictionally interstate communications services I receive. The Florida Public Service Commission regulates the jurisdictionally intrastate communications services I receive, although the state commission is statutorily pre-empted from price regulation over my CMRS service, even to the extent it is jurisdictionally intrastate.

5. There were several potential suppliers of "wired" voice, video and data services when I moved into my current home. Only Spectrum/Charter could provide "Triple Play" services at the time. CenturyLink could only provide landline service and Comcast could only provide cable TV service. We chose Spectrum/Charter so that I could obtain all three services (voice, video and Internet) the same underlying transmission network and receive a unified bill. I would consider whether to instead purchase service from CenturyLink if they offered a Triple Play but despite all the funds they receive through state and federal access charges and Universal Service Support they have not seen fit to deploy high speed facilities in my area.

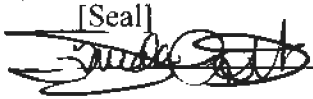
6. This concludes my Affidavit, but as noted above I am also relying on the Affidavits of Bruce A. Kushnick, Mark N. Cooper and Fred Goldstein for the purpose of explaining why the particular facts described above demonstrate standing.


Charles W. Sherwood, Jr.

NOTARY ON NEXT PAGE

AFFIDAVIT OF CHARLES W. SHERWOOD JR. IN SUPPORT OF STANDING

SUBSCRIBED AND SWORN TO BEFORE ME this 7th day of May, 2019, to certify which witness my hand and official seal.

[Seal]




Notary Public in and for CITRUS, FLORIDA