

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

The Irregulars, 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 KENNETH A. LEVY IN SUPPORT OF STANDING**

1. My name is Kenneth Allan Levy. 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 2745 N Van Buren Ave., Tucson, Pima County, AZ 85712. The Incumbent Local Exchange Carrier serving my residence and area is CenturyLink.
4. I currently receive the following communications services:
  - A. I obtain broadband internet service from CenturyLink. This service is provided over copper, digital subscriber line.
  - B. I obtain commercial mobile radio service (also known as “mobile wireless” or “cellular”) from Verizon Wireless. 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.
  - C. Verizon Wireless is required to pay into the state and/or federal Universal Service Fund(s), based on a percentage of the revenue it receives from me for assessable communications services. It passes 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.

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

5. 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.

  
Kenneth Allan Levy

SUBSCRIBED AND SWORN TO BEFORE ME this 16<sup>th</sup> day of May 2019, to certify which witness my hand and official seal.

[Seal] 

Notary Public in and for

Pima County, Arizona

