

**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 THOMAS ALLIBONE IN SUPPORT OF STANDING**

1. My name is Thomas William Allibone. 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 1062 Embarcation Road, Washington Crossing, Bucks County, Pennsylvania. The Incumbent Local Exchange Carrier serving my residence and area is Verizon Pennsylvania.
4. I currently receive the following communications services:
  - A. I receive wireline basic local telephone exchange and exchange access service from Verizon Pennsylvania. This company is an incumbent local exchange carrier.
  - 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 Verizon Long Distance. When I make or receive toll calls using my basic wireline service the IXC is assessed access charges from my LEC, and also pays the access charges to the LEC associated with the other side of the call.
  - C. I obtain broadband internet service from Verizon Online. This service is provided over fiber. My FiOS service bundle – which includes basic local telephone exchange service and exchange access – is all provided using the same fiber optic plant.
  - D. I obtain commercial mobile radio service (also known as “mobile wireless” or “cellular”) from AT&T Wireless. As part of my service package I also receive commercial mobile data service for Internet access and other data services such as texting

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(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. Therefore AT&T Wireless pays Verizon Pennsylvania for transmission service, and passes the costs on to me.

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.

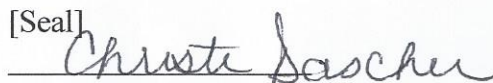
F. The FCC is charged with regulating the jurisdictionally interstate communications services I receive. The Pennsylvania Public Utility Commission regulates the jurisdictionally intrastate communications services I receive, although the state commission is statutorily pre-empted from price regulation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

5. In my area, we only have two choices for a bundled service offering – Verizon or Comcast. I do not believe duopoly is actual “competition.” My contract with Verizon for fiber-based triple play service has expired. Verizon has repeatedly raised prices and I now pay \$40/month more. I am currently planning to switch to Comcast triple play because its prices are marginally lower. But even so it is apparent that Verizon and Comcast do not significantly price compete, and their other terms and conditions of service are quite similar. They would not be able to explicitly or implicitly so coordinate if there were other competitive options.

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.

  
Thomas William Allibone

SUBSCRIBED AND SWORN TO BEFORE ME this 10 day of May, 2019, to certify which witness my hand and official seal.

[Seal]  


Notary Public in and for Bucks County, PA

