

SELECT A CITY ▾

LIMITED TIME OFFER
Subscribe Now

WELCOME
Your Account ▾

INDUSTRIES & TOPICS



NEWS

LISTS & AWARDS

PEOPLE & COMPANIES

EVENTS

MORE...



FOR THE EXCLUSIVE USE OF CTROWBRIDGE@BIZJOURNALS.COM

From the Phoenix Business Journal:

<http://www.bizjournals.com/phoenix/blog/techflash/2015/09/cox-communications-files-lawsuit-against-tempe-for.html>

Cox Communications files lawsuit against Tempe for favoring Google Fiber

Sep 24, 2015, 10:45am MST **Updated: Sep 25, 2015, 7:35am MST**

Cox Communications Inc. is suing the city of Tempe, claiming the city created a regulatory framework in approving a deal with Google Inc. that violates federal law.

Filed on Sept. 14 in U.S. District Court in Arizona, Cox claims the city is "establishing a discriminatory regulatory framework" and that Tempe's license agreement with Google Fiber violates the Cable Communications Policy Act of 1984.

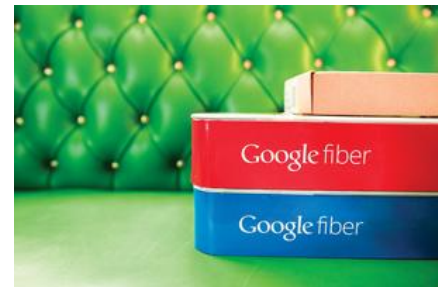
The crux of the issue lies in the separate license agreements granted to Cox Communications and Google Fiber, as well as their submitted alternate plans. The city of Tempe granted Cox a traditional cable license when implementing its gigabit Internet service. For Google Fiber, they created a "video services license."

Cox claims in the lawsuit the new category is discriminatory because it places fewer restrictions on Google Fiber. The lawsuit claims harm because the city granted a "unique benefit" not enjoyed by competitors like Cox.

In an interview in August, Jenae Naumann, assistant city attorney, said, "Cox has made allegations we feel are not accurate."

Naumann said the city wants to bring gigabit speeds to residents, and that it was "clearing a reasonable path" for Google Fiber.

"The city of Tempe is requiring all its providers of video services to Tempe subscribers to comply with whatever federal, state and local laws are applicable to them and Tempe's license agreements with Cox, CenturyLink and Google Fiber reflect that," said Naumann in a statement.



JULIE DENESHA

Cox Communications is suing the city of Tempe over a recent agreement it approved to pave the way for Google Fiber.

Cox has spoken out against the Google licensing agreement since July, delivering letters to the city and mayor prior to the council's meeting to pass the video services license to Google Fiber.

The letters outline disparities in the city's treatment between the two companies, such as requiring Cox to specify where fiber can be implemented, completion dates and construction requirements while the Google proposed plan had no such requirements.

Susan Anable, vice president of public affairs in the Southwest region for Cox, said in an interview in August that she was disappointed by the city when Google Fiber was able to reach a license agreement with the city in 30 days while Cox tried to bring its gigabit internet service, Gigablast, to Tempe over a year ago.

She said Cox has not encountered as many obstacles in deploying its gigabit service in other cities compared to Tempe.

Cox requests include a declaration that the city's ordinance and licensing of Google Fiber as a video services provider violates state and federal law, permanent injunction on the license to Google Fiber.

Tempe spokeswoman Kris Baxter-Ging declined to comment this week, saying the city does not comment on pending litigation.

Cassidy Trowbridge
Editorial Intern
Phoenix Business Journal

