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Google Fiber in the Valley?: Cox Communications suing city of Tempe over Google Fiber contract

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One issue potentially holding up Google Fiber's arrival in the Valley is Cox Communications Inc.'s lawsuit filed last year against the city of Tempe.

In the lawsuit, filed Sept. 14, 2015, in U.S. District Court of Arizona, Cox claims the license granted to Google by Tempe violates the Cable Communications Policy Act of 1984 and favors Google Fiber over other providers.

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

Tempe granted Google a video services license in July of last year, Cox filed the lawsuit just 15 days later.

There have been motions to dismiss for lack of jurisdiction, but Cox said the case will continue.

"The court denied the city's request to dismiss the lawsuit, and the case is currently moving forward," said Susan Anable, vice president of public affairs for the Southwest region at Cox, in a statement.

The city of Tempe granted Cox a traditional cable license when implementing its gigabit internet service.



The city of Tempe is in a lawsuit with Cox Communications Inc. over its decision to grant Google Fiber a video services license. (Photo: Wikimedia Commons / Alan Stark)

For Google Fiber, they created a “video services license,” different from the standard cable license.

Cox spoke out against the licensing agreement beginning in July 2015. The company delivered letters to the city of Tempe and Mayor Mark Mitchell prior to the council’s July 30 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 proposed Google plan had no such requirements.

Cox claims it attempted for more than a year to bring its gigabit internet service, Gigablast, to Tempe, while it took only a month to approve 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 Jenae Naumann, assistant city attorney for the city of Tempe, in an emailed statement last August.

Tempe officials declined to speak on the status of the lawsuit, citing the pending litigation as the reason they would not comment.

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