

and accessories, set
Purple Lizard Boutique
D2

Ears on Mill

The ever-changing face
Mill Avenue, there are
constants, including
all jewelry business
operating its 20-year
anniversary. D3



YOKO FURUKAWA/THE ARIZONA REPUBLIC

2003

1,934

2004

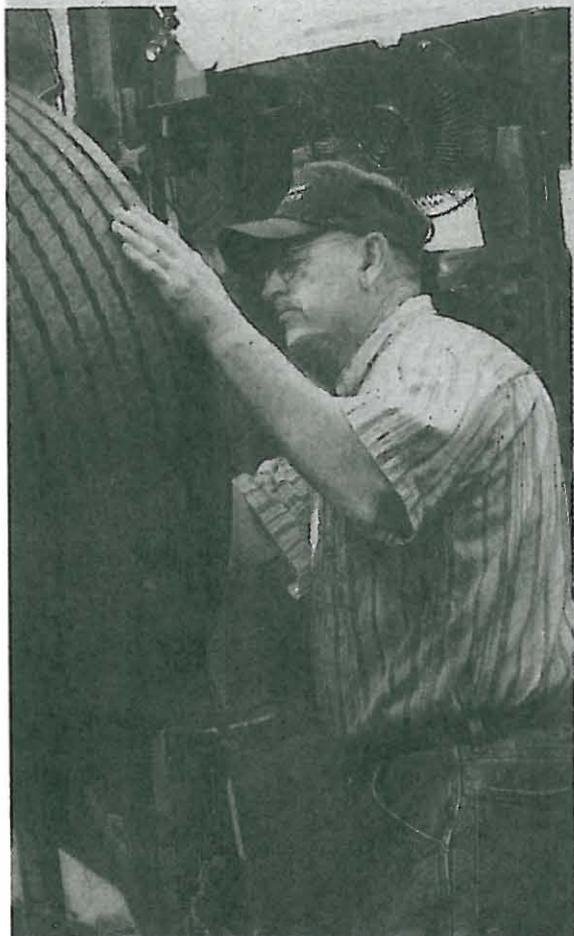
2,056

2005

2,072

*U.S. Food and Drug Administration
and European Agency for the Evaluation
of Medicinal Products

Source: U.S. Food and Drug Administration
KNIGHT RIDDER TRIBUNE



MICHELIN NORTH AMERICA

... in Spartanburg, S.C. To save on fuel and weight, many
... a pop, making their 18-wheelers into 10-wheelers.

... may save weight, fuel

spread
... lines are changing
... using four single
... f four pairs of dual
... ally used on 18-
... ave weight and

fuel.
That's a big consideration
for transportation companies
handling diesel prices that
soared from a U.S. average of
less than \$2 a gallon a year ago
to a post-Hurricane Katrina
peak of \$3.16 a gallon in Octo-

Builder, Cox deal queried

State suggests plan curbs competition

By Ken Alltucker
THE ARIZONA REPUBLIC

State regulators want to scrutinize Cox
Communications' role in arranging a special
deal that effectively prevented rivals
from seeking customers in a massive
new-home development in Peoria.

A new report by the Arizona Corpora-
tion Commission suggests there is "clear
and convincing evidence" that in Decem-
ber 2003 a deal was struck between Cox
Communications and a private developer
to curb competition for phone, cable and
high-speed Internet services at the
17,000-home Vistancia community.

The Corporation Commission wants to
hold a public hearing to examine the deal
and discuss potential fines against Cox.

Although the arrangement was pro-
posed by the developer, Shea Sunbelt,
state regulators said Cox was an "active
participant," with 15 employees helping
write and revise terms of the deal.

The arrangement came to light after a
tiny telephone company, Accipiter Com-
munications, filed a complaint with state
regulators alleging it was shut out of Vis-
tancia. The arrangement also triggered
an investigation by the federal Depart-
ment of Justice's antitrust division.

Cox officials declined to publicly dis-
cuss the Corporation Commission's re-

See VISTANCIA Page D4

AZ Republic 2 Jan. 2006 Biz Section front page

Michelin has
17.5
are lighter than the dual
Minguet
sealed or prohibitively slow, so
screeners send runners from
Rogan, the boy's attorney.

Connecticut in which Randy Cruz
says he was fired from Boston
Market after a background
last spring and now checks to
see if employees are on sex-of-
fender lists, Wal-Mart spokes-
man Marty Heires said.

State seeks Cox, builder deal inquiry

VISTANCIA
Continued from D1

port. Cox will file a written response by Jan. 9, spokeswoman Andrea Katsenes said.

Commissioners want a public hearing to air out the issues.

"We need to know whether Cox engaged in anti-competitive behavior," Commissioner Kris Mayes said. "We can't find that out unless we have a hearing. It is a very serious issue, and the commission needs to investigate further."

The Cox-Vistancia deal is one of many "preferred provider" arrangements that developers routinely work out with communications companies. The deals typically give a company, usually Cox or Qwest, the right to provide sales materials at a developer's sales office.

But the Cox-Vistancia deal made it even more difficult for competitors because Peoria allowed Shea Sunbelt to take control of the community's communications access, called an easement, and charge companies licensing fees to use that access.

It is the only known case in Arizona, and perhaps the nation, in which a city voted to give control of such an easement to a private developer. Peoria gave Shea Sunbelt the ability to screen which phone companies could provide access.

Cox paid Shea Sunbelt a \$1 million "licensing fee" for the right to build the communications network and sell to up to 45,000 users. The developer paid Cox an undisclosed sum to install underground cables.

Accipiter filed a complaint

with the Corporation Commission alleging that those terms made it impossible for the tiny company to compete for Vistancia customers. Accipiter also filed a lawsuit in Maricopa County Superior Court.

The two sides settled that lawsuit in November. The settlement eliminated the private easement and granted Accipiter the use of Cox-owned cables and wires. Shea Sunbelt also will allow Accipiter the use of its land to build a network and other equipment.

But while Accipiter and Cox have agreed to settle, state regulators want more answers.

Among the questions is how much Cox will pay Accipiter as part of the settlement agreement. Both sides say that figure is confidential.

"It would be ironic if we al-

lowed terms of the settlement agreement to remain secret in a case involving a secret arrangement," Mayes said.

Commissioner Marc Spitzer said he wants more details. Among his questions is why Peoria approved the private easement.

"You want to know what the facts are to make a judgment," Spitzer said.

It's also unclear whether Justice Department investigators are concerned about the case. A department spokeswoman declined to comment, but lawyers familiar with the investigation said the settlement terms have appeased antitrust investigators.

Reach the reporter at
ken.alltucker@
arizonarepublic.com or
(602)444-8285.

pes it in

photos of tests or text-message questions and answers to fellow students.

"That hasn't happened here," Risner said. "I'm confident in saying that, because that kind of cheating would definitely come to this office."

REPUBLIC
careerbuilder

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