

TELECOM CONFIDENTIAL

Facsimile



To Cot Case Project Team.

From Trevor Hill
Manager Co-ordination &
Performance ReportingCorporate Strategy
RegulatoryLocked Bag No. 4350
Melbourne Vic 3100

Facsimile Speed Dial

Company

File HRH 293

Australia

Location

Date 13 September, 1993

Telephone (03) 634 8888
Message Bank
Facsimile (03) 634 8842

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Freehill's Issues Paper re Cot Case Strategy.

The attached paper has been supplied by Freehill's, via Ian Row.

I don't believe that Jim Holmes was able to circulate a copy prior to his departure today to attend the Austel/Cot Case public meeting in Brisbane.

Referred for information.

Trevor Hill
Trevor Hill.

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58-A
Telstra Corporation Limited
ACN 091 775 558

A10683

→ Jim HNTG 470

Domzal, Nora

From: Pinel, Don
To: Sayer, Janet; Beattie, Ken; Pittard, Rosanne
Cc: Brabazon, Paul; Holmes, Jim; Hambleton, Dennis V; Hill, Trevor; Halliday, Trevor
Subject: Customer correspondence
Date: Thursday, 23 September 1993 6:58PM

DA 25/9

In the current climate Telecom needs to be particularly careful with its correspondence to the CoT customers. I have engaged Denise McBumie from Freehills to participate on an "as required" basis in this matter and it is appropriate that all correspondence from the CoT (and near CoT) customers should be channeled through Denise for either drafting of a reply from Telecom or for reply direct from Freehills as our agent. The particular approach will vary from customer to customer and circumstance to circumstance but the general philosophy should be followed.

The merit of this approach is:

It relieves the Regions of onerous correspondence

It applies a rigorous legal regime to the dialogue

It provides a consistent approach to these matters

Would you please ensure that with all customers that are, (or have the potential to become) serious complaints, correspondence is processed through Freehills with initial acknowledgement by the Region.

Ultimately, the response to customer correspondence is a matter for Regional decision but I would encourage serious consideration of Freehills advice and discussion with either myself or Jim Holmes if an alternative approach is preferred.

Don

F03022

58-B

Holmes, Jim

From: Newbold, Greg
To: Beattie, Ken; Adermann, Gregory C; Pinel, Don; Blake, Ed; Campbell, Ian; Pittard, Rosanne; Benjamin, Ted; Holmes, Jim; Hambleton, Dennis V; Marshall, Ross
Cc: Vonwiller, Chris; Anderson, Keith
Subject: COT media latest
Date: Tuesday, 28 September, 1993 6:30PM

Steve Lewis is following up on his own yarn NOT with the Davey letter to the minister but with the Davey letter to the CEO raising concerns about our use of Freehills. I have told Lewis that its is utterly inappropriate for us to comment on the private correspondence between the industry regulator and Telecom and have drawn his attention to the release on the C&L appointment.

Ben Potter also has a letter. His is from Davey to Ian Campbell wherein Davey calls on Telecom to look favourably on interim payments to some of the COTs. Same drill for Potter including the C&L release.

Given the amount of paper flowing around on this matter, it is hardly surprising that some should fall into the hands of the fourth estate. I tried to get a feel for Potter's source but my only surmise is that Davey is giving a strong feed to Schorer and Schorer is passing the paper on. I say this because Potter also raised the Freehills matter after being told by Schorer of a letter from Davey to WFB.

Greg.

~~A03258~~
C02840

58-C

Holmes, Jim

From: Pinal, Don
To: Holmes, Jim
Cc: Parker, Harvey
Subject: Letter to Schorer
Date: Tuesday, 28 September, 1993 7:39PM

Jim,

Your proposed reply to Schorer is good although I assume it is more legalistic than I would like. I do not know of any way to soften it without raising expectations.

One point not covered that you may like to consider is the question of "duress". This has been raised in a number of places and requires rebuttal.

Similarly the question of Telecom's regulatory and contractual protections from suit don't get a mention (it may not be necessary to raise these at this stage as they are certain to be provocative provided we don't allow expectations to form that we will relinquish such protection)

I also think that your section 2 sends conflicting messages. In one para you correctly identify the constraints on discussing a particular case with other than the specific customer. You do imply, however, that tel customers could give Schorer some form of authority to act on their behalf. I am not sure that these two messages are consistent. Would a power of attorney, for example, allow disclosure to Schorer of settlement details covered by our form of release? I don't think so.

Perhaps I am getting too legalistic and defensive but we can't afford to let anything get away. However, our best option is still to force these cases down a legal, structured path.

Don

DRAFT - IN CONFIDENCE

Consumer will undertake an immediate inspection of all elements of the CAN and certify that the service is constructed in a manner that complies with standard practice. Any defects/abnormalities will be noted and corrected. Pairs will be "clean" between the exchange and the customer's premises with any common pairs cut away. Consumer will formally certify that the inspection has been carried out and record the results of their investigation.

Commercial will test the customer's service and record the test results. This test will be repeated at regular intervals (at least weekly) to ensure stability and consistency. Where appropriate, CPE will be tested. On occasions it may be desirable to install recording equipment at the customer's premises.

All technical reports that relate to the customer's service are to be headed "Legal Professional Privilege", addressed to the Corporate Solicitor and forwarded through the dispute manager. ↙

The only contact with the customer will be by the dispute manager or the Regional Manger unless the MD Commercial chooses to become personally involved. All contacts with other individuals will be referred back to the dispute manager.

The Regional General Manager will ensure that all other elements of Telecom are advised of the declaration of a Category A dispute. The managers of these other elements will ensure that all parts of their organisation are aware of the existence of a dispute and that staff are advised that they are not to comment on the customer's service. On all occasions only staff with exceptional "intelligence" and who have been fully briefed on the dispute are to be assigned to any dealings with the customer or related activities.

It is important that operational systems (including DCRIS, LEOPARD, Service*Plus) should be made capable of displaying an appropriate warning mark against the customer's record indicating that a sensitive customer dispute is in progress and identifying the dispute manager. Local instructions should be issued to advise staff to refrain from commenting on service performance issues but to refer these to the dispute manager.

SEP/-

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Revision 13

**FREEHILL
HOLLINGDALE
& PAGE**

Melbourne Office

To: Mr Don Pinesl	From: Denise McBurnie
At: Telecom Australia	Direct line: (03) 288 1383
	Switch: (03) 288 1234
To fax: 07 221 7274	From fax: (03) 288 1567
	Date: 01 October 1993
Phone: 07 837 6072	Matter No: 001660539 Pin No: 274
Page: 1 of	Approval: <i>Denise McBurnie</i>

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(03) 288 1341 Fax (03) 288 1567 (International phone codes + (61 3)) or Telex AA33004
and return the original facsimile to
Level 43, 101 Collins Street, Melbourne Vic 3000 Australia

Mr Alan Smith

Dear Don

I enclose a copy of the letter sent to Mr Alan Smith at 1.16pm today. I also confirm that I telephoned Mr Smith on phone number 055 267 267 and spoke to Mr Smith who confirmed that he had received the facsimile.

Yours faithfully
FREEHILL HOLLINGDALE & PAGE
Per:

Denise McBurnie

Denise McBurnie
Solicitor

COT.

AL0530

58-F