

**AUSTEL**

AUSTRALIAN TELECOMMUNICATIONS AUTHORITY

9 June 1993

Mr
Director, Regulatory
Telstra

Facsimile No: (03) 634 8880

Dear Mr

You are probably aware of the case of Mr Alan Smith, one of the "COT cases" and proprietor of the Cape Bridgewater Holiday Camp. Mr Smith last year agreed to settle his claims against Telecom on the basis that a service of normal network standards would be guaranteed.

Since that time Mr Smith claims to have been constantly plagued by faults ranging from no ring, short ring, ringing out, engaged, recorded message and now claims to be subject to charging anomalies. He has had very frequent contact with AUSTEL on these matters.

In addition, he alleges that he was misinformed at the time of settlement (and subsequently) and led to believe that the problems he was experiencing were unique in the area. He now claims to have copies of Telecom network investigation working documents which clearly indicate that these problems in the network were far more widespread in the area. He claims that he was also advised that the problem whereby callers had been confronted with a recorded voice had occurred only over a period of two days - later said to be no more than three weeks. He now claims that Telecom records show this to be six weeks and possibly much longer.

Further he claims that the Telecom documents contain network investigation findings which are distinctly different from the advice which Telecom has given to the customers concerned.

In summary, these allegations, if true, would suggest that in the context of the settlement Mr Smith was provided with a misleading description of the situation as the basis for making his decision. They would also suggest that the other complainants identified in the folders have knowingly been provided with inaccurate information.

I ask for your urgent comment on these allegations. You are asked to immediately provide AUSTEL with a copy of all the documentation which was apparently inadvertently left at Mr Smith's premises for its inspection. This, together with your comment, will enable me to arrive at an appropriate recommendation for AUSTEL's consideration of any action it should take.

61

5 QUEENS ROAD, MELBOURNE, VICTORIA
POSTAL: P.O. BOX 7443, ST KILDA RD, MELBOURNE, VICTORIA, 3004
TELEPHONE: (03) 828 7300 FACSIMILE: (03) 820 3021

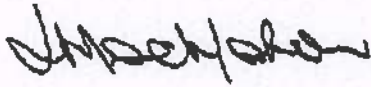
09 JUN '93 17:19 AUSTRAL MELB 61-3-8203021

P.3-3

As to Mr Smith's claimed continuing service difficulties, please provide a statement as to whether Telecom believes that Mr Smith has been provided with a telephone service of normal network standard since the settlement. If not, you are asked to detail the problems which Telecom knows to exist, indicate how far beyond network standards they are and identify the cause/causes of these problems.

In light of Mr Smith's claims of continuing service difficulties, I will be seeking to determine with you a mechanism which will allow an objective measurement of any such difficulties to be made.

Yours sincerely



John MacMahon
General Manager
Consumer Affairs

024 P01

CAPE-BRIDGEMATER

93-06-09 17:34 055 267230

61