



95 / 07 19 - 1

29

94/0269

AUSTRALIAN TELECOMMUNICATIONS AUTHORITY

11 October 1994

Mr Peter Gamble
Manager, Engineering and Technical Consultancy
Customer Response Unit
TELECOM

Facsimile: (03) 634 9930

Dear Peter


ISSUES CONCERNING SERVICE VERIFICATION TESTS

Following on from your telephone conversation today with Mr Cliff Mathieson, I confirm that AUSTEL requires a written statement from Telecom detailing the deficiency of the current testing process for the "Call Continuity / Dropouts to Neighbouring LIC" test contained in the Service Verification Tests (SVT). This statement should also detail the action Telecom intends to take to address this deficiency.

AUSTEL notes that the SVT results so far provided by Telecom are inconclusive because they do not comply with the required outcome of Section 6.3.2 of the SVT. Confirmation that calls were held for 40 seconds does not confirm these calls would have been held for the required 120 seconds.

On another matter, I understand Mr Bruce Matthews wrote to you on 29 September 1994 following up AUSTEL's earlier request for a copy of test data produced by Telecom in conducting the SVT. I also understand that the nature of the data required by AUSTEL was further confirmed in subsequent conversations with Mr Matthews and Mr Mathieson. As noted in these conversations, the required data is that produced in performing section 6.3 of the SVT, and should identify the date and time of day test calls were made from each origin, and the technology type of the originating exchange. As AUSTEL's review of the SVT will take place in November 1994 this data is required as soon as possible.

Yours sincerely


Norm O'Doherty
General Manager
Consumer Affairs

cc Mr Steve Black

4-A



AUSTRALIAN TELECOMMUNICATIONS AUTHORITY

94/0269

16 November 1994

Mr S Black
Group General Manager
Customer Affairs
TELECOM

Facsimile No: (03) 632 3241

Dear Steve

SERVICE VERIFICATION TEST ISSUES

The recent SVT results for Mr Alan Smith raise some issues on which AUSTEL requests clarification, as follows.

- The letter provided to Mr Smith informing him of his SVT results notes that the Public Network Call Delivery Tests relevant to his 008 service used a 1-800 number that simulated the routing of his 008 services. AUSTEL is seeking confirmation from Telecom that the network equipment utilised on calls to the 1-800 number is the same as that which would have been used by calls to Mr Smith's 008 service (with the exception of the termination number).
- The Call Distribution Tables on pages 12 and 14 record that the total calls made to each number are in excess of 600. AUSTEL requests that Telecom detail the process which determines the "1st 500" calls under test 6.3, given that a combined total of over 600 calls have been made from multiple origins.

I would also like to take this opportunity to formally confirm three issues raised at our recent meeting of 9 November 1994.

- (1) Telecom will provide AUSTEL with the detailed individual call data (ie. time of day & origin of call) which has been the subject of previous correspondence from AUSTEL. This data was originally requested by AUSTEL on 25 August 1994. As discussed at our meeting, the data is

4-B

required by AUSTEL as part of our review of the SVT, and will be required by the consultant assisting AUSTEL in this review. (Please note that call data for all the test calls is required, not just the data for the first 500 calls). AUSTEL requires this data by 23 November 1994. The provision of this data by this date is essential to the effectiveness of AUSTEL's review of the SVT.

(2) In the near future Telecom will conduct the "Demonstration Tests" on the services of customers for whom the SVT have been completed. AUSTEL notes that the SVT were conducted a considerable time ago on some of these customer's services. Although these tests are not part of the SVT, this data will be used by AUSTEL in our review of issues related to the SVT. The results from the "Demonstration Tests" will also be provided to our consultant, and AUSTEL requires some of these test results by 23 November 1994.

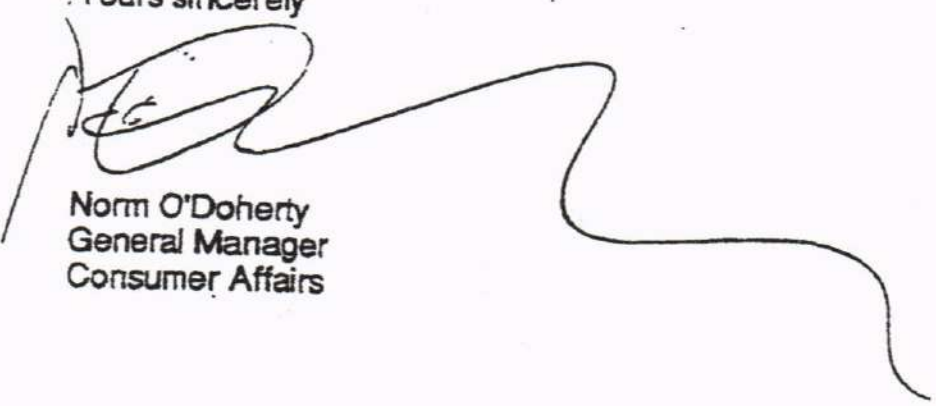
(3) That Telecom will shortly provide, as requested in AUSTEL's letter of 11 October 1994, a statement on:

the deficiency of the current testing process for the "Call Continuity / Dropouts to Neighbouring LIC" test contained in the Service Verification Tests (SVT). This statement should also detail the action Telecom intends to take to address this deficiency.

This statement will be provided to AUSTEL's consultant as part of the review of the SVT, and is required by 23 November 1994.

The three matters detailed above have been all been outstanding for some time. I would be grateful if you could address your personal attention to ensuring the required information is provided to AUSTEL by the date requested.

Yours sincerely


Norm O'Doherty
General Manager
Consumer Affairs

ATTACHMENT
FIVE

VIA TELEPHONE
Would you please advise

Telecom
AUSTRALIA

Discontinued 29/4/94

Group General Manager
Customer Affairs
37th Floor, 242 Exhibition Street
MELBOURNE VIC 3001
Ph: (03) 632 7700
Fax: (03) 632 3241

April 27, 1994

Mr. Robin Davoy
Chairman
AUSTEL
5 Queens Road
St Kilda
Melbourne, VIC 3005

Rec 27/4/94

BY FACSIMILE: (03) 820 3021

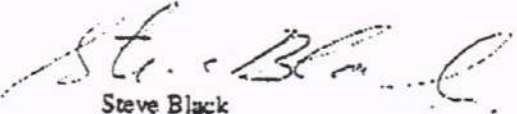
Dear Robin,

Attached for your information, an updated draft of the standard Verification Tests for use in Telecom's Public Switched Telephone Network.

The tests have been prepared in consultation with Mr Cliff Mathieson of AUSTEL and will form the basis for determining whether an individual telephone service is operating satisfactorily. I would appreciate your confirmation that the tests have met all the requirements of AUSTEL for service Verification Tests.

Once agreement has been reached on these Verification Tests, Telecom will be in a position to commence the testing of the services associated with COT customers, and ensure they meet the agreed requirements for a satisfactory service. As you would appreciate the completion of this testing is required under the recommendations of the recent AUSTEL report on COT customers.

Sincerely,


Steve Black

4-C

Industry Ombudsman and that the procedure when finalised may involve something along the following lines -

- claims up to \$10,000 being handled by the Ombudsman in accordance with his charter
- claims up to \$500,000 being subject to an arbitration process where both the complainant and the carrier are agreeable. Within this framework there would be three categories
 - claims of \$10,000 - \$50,000
 - claims of \$50,000 - \$200,000
 - claims of \$200,000 - \$500,000.

Procedures applying within these categories would vary and be progressively more demanding in terms of the burden of proof upon the claimant.

Settlement and agreement on standard of service

5.77 As part of the general approach to settlement, Telecom sought AUSTEL's agreement to, and assistance in, the development of a defined status for a telephone service. The intention is to obtain an agreement on the operational performance of the service against which the parties might *sign off* once a financial settlement has been finalised.

FINDINGS

5.78 AUSTEL's findings are that -

- when the initial *settlements* were reached with the *original COT Cases*, the standard of service then applicable was not objectively established and there is reason to believe that difficult network faults continued to affect their services
- an agreed standard of service, being developed in consultation with AUSTEL, to be applied to any case subject to settlement is essential
- there is merit in Telecom's proposed arbitration procedure which complements the Telecommunications Industry Ombudsman scheme
- Telecom needs to specify how its proposed arbitration procedures are to operate in relation to losses attributable to periods in which it

4.1

had an immunity from suit or in which it contractually limited its liability

- on the information presently available to it, AUSTEL sees no reason why the upper limit to tort liability to be determined by AUSTEL under section 121 of the *Telecommunications Act 1991* should coincide with the ceiling proposed by Telecom in its proposed arbitration procedure

RECOMMENDATIONS

5.79 AUSTEL recommends that -

- Telecom implement a proposed arbitration procedure along the lines outlined in paragraph 5.64 ff as soon as possible
- Telecom specify how it will, under its proposed arbitration procedure, treat losses arising in periods during which Telecom had a statutory immunity from suit or contractually limited its liability
- Telecom treat the *COT* type cases referred to it by AUSTEL in conformity with Telecom's original proposed arbitration procedure and that where appropriate the upper limit of that procedure should be waived in favour of the claimants in those cases
- Telecom, in consultation with AUSTEL, develop by 1 May 1994 -
 - a standard of service against which Telecom's performance may be effectively measured
 - a relevant service quality verification test.

CAPE BRIDGEWATER HOLIDAY CAMP

CALL DETAILS - 267230

SOURCE DOCUMENTS F.O.I 0628 TO 0660 INCLUSIVE

These documents (attached) cover period 2200 hours on the 27.9.93 to 0715 hours on the 14.12.93, approximately 77 days.

They display lock up times of up to 17 hours, ring times > 1 hour, conversation times of up to 17 hours, short burst rings consecutively of 2 - 1 - 2 seconds.

It would appear that the majority (88) of lock ups are created by a generated "1", often followed by 3599 seconds of ring, then from zero to 17 hours conversation time. There are 88 such calls totalling 863 hours out of total time of approximately 1848 hours - this equals 46.7% unavailability.

From January to December '93 and through '94, Alan Smith repeatedly reported "echo" on the line, "dead lines", no dial tone, together with incoming fax complaints of busy when not. This explains why.

We have random sheets (non concurrent) for December '93 and January and February '94, showing the continuation of the fault. This (detail follows) gave blockage time of 52.7% of the period covered.

David Stockdale's (Telecom) letter instances that this is common (attached FOI 0125).

4-D

| <u>F.O.I. NO.</u> | <u>LOCK UP I/C</u> | <u>LOCK UP OUT</u> <u>OUTGOING</u> |
|----------------------|-------------------------|---------------------------------------|
| 0628 | | 33.6 |
| 0629 | | 7.4 |
| 0630 | | 69.9 |
| 0631 | | 19.5 |
| 0632 | | 27.7 |
| 0633 | | 31.9 |
| 0634 | 12.7 | 34.4 |
| 0635 | 1.0 | 14.2 |
| 0636 | | 80.7 |
| 0637 | | 11.7 |
| 0638 | | 13.8 |
| 0639 | | 9.3 |
| 0640 | | 9.9 |
| 0641 | | 55.8 |
| 0642 | | 21.7 |
| 0643 | | 31.1 |
| 0644 | | 59.4 |
| 0645 | | 23.1 |
| 0646 | | 21.2 |
| 0647 | | 33.8 |
| 0648 | | 21.4 |
| 0649 | | 55.7 |
| 0650 | | |
| 0651 | | 23.7 |
| 0652 | | 12.2 |
| 0653 | | 25.6 |
| 0654 | | 11.1 |
| 0655 | | 5.7 |
| 0656 | | 19.2 |
| 0657 | | 26.6 |
| 0658 | | 9.5 |
| 0659 | | 9.9 |
| 0660 | | 18.8 |
| <u>TOTALS</u> | <u>13.7 HRS.</u> | <u>849.5 HRS.</u> |

COMBINED TOTAL = 863.2 HRS.

4-1



AUSTEL
AUSTRALIAN TELECOMMUNICATIONS AUTHORITY

92/596 (6)

7 September 1993

Mr Jim Holmes
Corporate Secretary
Telstra Corporation Ltd

Fax 632 3215

Dear Mr Holmes

**COT CASES
MONITORING ARRANGEMENTS**

Your "two bob each way" letter of 31 August 1993 outlining how Telecom is to monitor the COT Cases' services in response to AUSTEL's direction of 12 August does little to inspire confidence in Telecom's approach to the issue.

The offer to provide in two weeks hence a "... critique of the technical aspects of ... [the] ...direction, including the test call program specified" might be interpreted as nothing more than an attempt to lay a foundation for disowning the tests if they appear to support the COT Cases. Why when we first asked for the tests over two months ago (MacMahon's letter to Hambleton of 30 June 1993), does it take another two weeks to come up with a critique of the monitoring proposals? This is the very lack of the pro-active co-operative attitude which prompted the direction of 12 August 1993.

I have similar concerns about you seeking AUSTEL's approval of the monitoring equipment so long after we first asked tests to be done. There are concerns by some of the customers Telecom is to monitor about the effectiveness of the monitoring equipment. These concerns have been inspired, at least in part, by comments made by Telecom employees to those customers and, of course, the problem experienced by Mr Smith when testing/monitoring equipment caused additional problems for him. The advantage of having independent endorsement of the equipment prior to its installation and the production of test data seems obvious to me. Instead, we are still liaising to obtain details of the specification and capability of the equipment to be deployed after its installation in four of the cases and within days of the proposed installation in the other cases.

It is clearly in the interests of all concerned to ensure that the monitoring pursuant to AUSTEL'S direction is conducted in the most timely and efficient manner. Please liaise with Mr Cliff Mathieson, AUSTEL's Specialist Advisor - Networks, (03 828 7389) re approval of the monitoring equipment.

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

H-E
R10690

Draft conditions for installation of equipment

The draft list of conditions for installation of monitoring equipment in the customers' premises only serve to reinforce my view that your letter is an attempt to have "two bob each way" - if the testing does not favour Telecom, you have laid a foundation for claiming that it is due to customer interference. I have already conveyed to you my concern that Telecom is unable to come up with tamper proof monitoring equipment for installation on the customers' premises.

Subject to you removing the endorsement "Telecom in confidence" on the top of the draft conditions, I am prepared to have them conveyed to the customers. I should, however, point out that they reflect little credit on Telecom if its intention were to produce a document that endeavours to provide the customers with any explanation or reasoning for the conditions.

Technical complexities

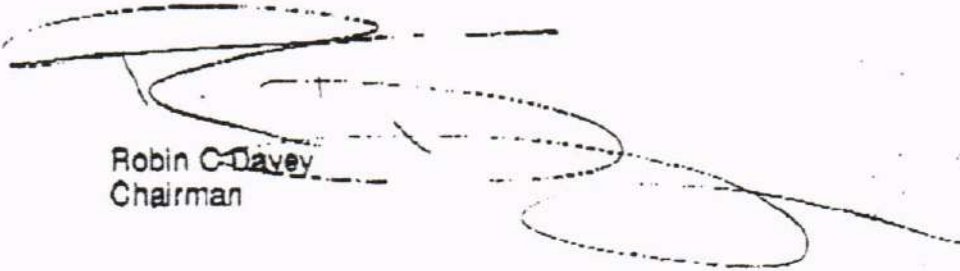
We look forward to receiving the technical and operational submission foreshadowed in your letter. The timing of about three weeks would seem appropriate. A decision whether, as suggested in your letter, it is desirable to engage an independent technical expert will be taken after receipt of your submission. If that is necessary, AUSTEL would be looking to Telecom to meet the costs involved.

Access to file and documents

While I understand that the arrangements for file examination are proving adequate, there was an agreement to list all files by 19 August and I understand that only some 60 files have been identified to AUSTEL to date. Please provide a comprehensive listing by the end of this week (10 September 1993).

Is it possible to provide parking for AUSTEL's officers who are attending Telecom's premises to inspect the files? This would result in a significant cost saving to AUSTEL's personnel who currently have to make use of commercial parking.

Yours sincerely


Robin C. Davey
Chairman

4-E

R10691

STOPDATE = (1994-09-30) ?
 EXCEPTIONS-ONLY = (NO) ?
 DATACHANNEL = (2) ?

UNSORTED DATA FROM MASS STORAGE

| DIRECTORY | CALL ! !CLASS! | TIME | NUMBER DIALLED ! ! /RING/OPERATOR ! | WAIT ! | CONVERS. ! ! TIME ! | METERING |
|-----------|-------------------|-------------------|--|---------|------------------------|----------|
| | ! DE | !940929 00:52:00! | OPER: AUTODUMP! | ! | ! | ! |
| | !LETE | ! | ! | ! | ! | ! |
| | ! LOG | ! | ! | ! | ! | ! |
| | ! LOG | !940929 00:52:00! | OPER: AUTODUMP! | ! | ! | ! |
| | !OUT | ! | ! | ! | ! | ! |
| | ! WAR | !940929 00:52:17! | DATACHANNEL DISC! | ! | ! | ! |
| | !NING | ! | !ONNECTED, ERROR ! | ! | ! | ! |
| | ! | ! | !ID.: 97, PARAMET! | ! | ! | ! |
| | ! | ! | !ERS: 2,0 | ! | ! | ! |
| 267230 | ! OAQ | !940929 07:48:22! | 032851770 | !00:32! | !00:00:29! | ! |
| 267230 | ! OAQ | !940929 08:24:06! | 038761853 | !00:28! | !00:00:43! | ! |
| 267230 | ! OAQ | !940929 08:26:09! | 038761853 | !00:31! | !00:00:37! | ! |
| 267230 | ! OAQ | !940929 08:27:27! | 038761254 | !00:27! | !00:00:41! | ! |
| 267267 | ! IA | !940929 08:47:29! | RINGINGS: 6 | !00:08! | !00:24:49! | ! |
| 267230 | ! OAQ | !940929 09:12:31! | 038761254 | !00:27! | !00:00:01! | ! |
| 267230 | ! OAQ | !940929 09:21:52! | 038761254 | !00:32! | !00:00:30! | ! |
| 267211 | ! OUQ | !940929 09:27:51! | 267298 | !00:18! | ! | ! |
| 267230 | ! OAQ | !940929 09:27:47! | 0175 | !00:23! | !00:00:23! | ! |
| 267230 | ! OUQ | !940929 09:28:34! | 036704672 | !00:16! | ! | ! |
| 267230 | ! OUQ | !940929 09:28:52! | 036704672 | !00:15! | ! | ! |
| 267230 | ! IU | !940929 09:32:43! | RINGINGS: 2 | !00:05! | ! | ! |
| 267230 | ! IU | !940929 09:33:04! | RINGINGS: 2 | !00:04! | ! | ! |
| 267267 | ! IA | !940929 09:30:57! | RINGINGS: 4 | !00:05! | !00:06:13! | ! |
| 267230 | ! OAQ | !940929 09:40:54! | 036704672 | !00:27! | !00:09:57! | ! |
| 267211 | ! IA | !940929 10:06:10! | RINGINGS: 4 | !00:05! | !00:00:49! | ! |
| 267260 | ! OAQ | !940929 10:06:00! | 267211 | !00:29! | !00:00:45! | ! |
| 267260 | ! OAQ | !940929 10:10:58! | 1818 | !00:27! | !00:01:19! | ! |
| 267211 | ! IA | !940929 10:12:01! | RINGINGS: 2 | !00:03! | !00:01:00! | ! |
| 267211 | ! OUQ | !940929 10:14:19! | 267260 | !00:04! | ! | ! |
| 267260 | ! OUQ | !940929 10:13:44! | 1818311344033113 | !00:50! | ! | ! |
| 267260 | ! OUQ | !940929 10:16:21! | 081231 | !00:25! | ! | ! |
| 267260 | ! OAQ | !940929 10:17:24! | 1818 | !00:24! | !00:01:12! | ! |
| 267211 | ! IA | !940929 10:18:18! | RINGINGS: 2 | !00:03! | !00:00:44! | ! |
| 267267 | ! IA | !940929 10:47:23! | RINGINGS: 6 | !00:09! | !00:00:52! | ! |
| 267211 | ! OAQ | !940929 10:56:16! | 038423040 | !00:25! | !00:01:38! | ! |
| 267260 | ! OAQ | !940929 10:49:14! | 1 | !04:10! | !00:07:04! | ! |
| 267211 | ! IA | !940929 10:59:58! | RINGINGS: 8 | !00:12! | !00:01:23! | ! |
| 267211 | ! IA | !940929 11:01:43! | RINGINGS: 2 | !00:02! | !00:01:15! | ! |
| 267260 | ! OAQ | !940929 11:00:55! | 1818311344038924 | !00:54! | !00:01:12! | ! |
| 267230 | ! OAQ | !940929 11:07:04! | 232111 | !00:26! | !00:00:44! | ! |
| 267230 | ! OAQ | !940929 11:12:57! | 1818311344038924 | !00:58! | !00:00:37! | ! |
| 267211 | ! IA | !940929 11:13:47! | RINGINGS: 4 | !00:05! | !00:00:43! | ! |
| 267267 | ! IU | !940929 11:32:24! | RINGINGS: 12 | !00:20! | ! | ! |
| 267267 | ! IA | !940929 11:33:08! | RINGINGS: 8 | !00:10! | !00:00:47! | ! |
| 267267 | ! IA | !940929 11:35:29! | RINGINGS: 4 | !00:06! | !00:01:12! | ! |
| 267267 | ! OAQ | !940929 11:40:22! | 1818311344038924 | !00:55! | !00:00:24! | ! |
| 267211 | ! IA | !940929 11:41:10! | RINGINGS: 6 | !00:09! | !00:00:26! | ! |
| 267230 | ! IA | !940929 11:50:39! | RINGINGS: 30 | !00:44! | !00:02:04! | ! |
| 267267 | ! IA | !940929 12:03:43! | RINGINGS: 8 | !00:11! | !00:00:50! | ! |
| 267230 | ! OAQ | !940929 12:08:25! | 1818311344038924 | !01:05! | !00:00:41! | ! |

H-F

| | | | | | | | | | |
|--------|---|--------|---|--------|-----------|------------------|---|--------|-----------|
| 267211 | ! | IA | ! | 940929 | 12:10:55! | RINGINGS: 2 | ! | 00:03! | 00:00:53! |
| 267230 | ! | OAQ | ! | 940929 | 12:10:12! | 1818311344038924 | ! | 00:54! | 00:00:47! |
| 267267 | ! | IA | ! | 940929 | 12:14:03! | RINGINGS: 4 | ! | 00:05! | 00:00:36! |
| 267211 | ! | OAQ | ! | 940929 | 12:14:01! | 267267 | ! | 00:22! | 00:00:25! |
| 267211 | ! | OUQ | ! | 940929 | 12:17:57! | 267267 | ! | 00:17! | ! |
| 267267 | ! | IU | ! | 940929 | 12:18:00! | RINGINGS: 10 | ! | 00:16! | ! |
| 267267 | ! | IA | ! | 940929 | 12:19:03! | RINGINGS: 4 | ! | 00:06! | 00:00:03! |
| 267211 | ! | OAQ | ! | 940929 | 12:19:00! | 267267 | ! | 00:23! | 00:00:02! |
| 267211 | ! | OUQ | ! | 940929 | 12:23:45! | 267267 | ! | 00:23! | ! |
| 267267 | ! | IU | ! | 940929 | 12:23:49! | RINGINGS: 14 | ! | 00:22! | ! |
| 267267 | ! | IA | ! | 940929 | 12:25:03! | RINGINGS: 2 | ! | 00:03! | 00:00:59! |
| 267211 | ! | OAQ | ! | 940929 | 12:24:59! | 267267 | ! | 00:24! | 00:00:41! |
| 267267 | ! | OAQ | ! | 940929 | 12:26:43! | 231722 | ! | 00:28! | 00:01:22! |
| 267267 | ! | OAQ | ! | 940929 | 12:28:33! | 234780 | ! | 00:25! | 00:01:25! |
| 267267 | ! | OAQ | ! | 940929 | 12:30:25! | 231722 | ! | 00:27! | 00:03:05! |
| 267267 | ! | OAQ | ! | 940929 | 12:48:43! | 231722 | ! | 00:32! | 00:00:51! |
| 267267 | ! | IA | ! | 940929 | 12:56:05! | RINGINGS: 4 | ! | 00:04! | 00:00:26! |
| 267267 | ! | IA | ! | 940929 | 13:05:33! | RINGINGS: 10 | ! | 00:14! | 00:02:46! |
| 267267 | ! | IA | ! | 940929 | 13:08:47! | RINGINGS: 9 | ! | 00:13! | 00:05:56! |
| 267230 | ! | OUQ | ! | 940929 | 13:36:54! | 267267 | ! | 00:07! | ! |
| 267267 | ! | IU | ! | 940929 | 13:36:59! | RINGINGS: 2 | ! | 00:04! | ! |
| 267230 | ! | OUQ | ! | 940929 | 13:40:47! | 1818311344038924 | ! | 00:53! | ! |
| 267230 | ! | OUQ | ! | 940929 | 13:41:43! | 1818311344038924 | ! | 00:38! | ! |
| 267230 | ! | OAQ | ! | 940929 | 13:42:23! | 1818311344038924 | ! | 00:54! | 00:01:06! |
| 267230 | ! | IA | ! | 940929 | 13:44:44! | RINGINGS: 4 | ! | 00:04! | 00:01:54! |
| 267230 | ! | IA | ! | 940929 | 13:47:18! | RINGINGS: 10 | ! | 00:14! | 00:03:38! |
| 267230 | ! | OAQ | ! | 940929 | 14:05:25! | 036903322 | ! | 00:34! | 00:00:09! |
| 267260 | ! | OAQ | ! | 940929 | 14:06:37! | 1818311344038924 | ! | 00:54! | 00:01:46! |
| 267260 | ! | OAQ | ! | 940929 | 14:09:36! | 1818311344038924 | ! | 00:47! | 00:00:09! |
| 267230 | ! | OAQ | ! | 940929 | 14:08:54! | 036148711 | ! | 00:31! | 00:01:11! |
| 267230 | ! | OUQ | ! | 940929 | 14:11:01! | 074434022 | ! | 00:17! | ! |
| 267230 | ! | OAQ | ! | 940929 | 14:12:07! | 032877099 | ! | 00:25! | 00:00:02! |
| 267260 | ! | IA | ! | 940929 | 14:10:51! | RINGINGS: 10 | ! | 00:14! | 00:05:17! |
| 267267 | ! | IA | ! | 940929 | 14:16:01! | RINGINGS: 8 | ! | 00:10! | 00:00:20! |
| 267260 | ! | IA | ! | 940929 | 14:16:41! | RINGINGS: 10 | ! | 00:13! | 00:02:28! |
| 267230 | ! | OAQ | ! | 940929 | 14:15:38! | 078925040 | ! | 00:26! | 00:15:01! |
| 267267 | ! | IA | ! | 940929 | 14:39:09! | RINGINGS: 6 | ! | 00:08! | 00:00:09! |
| 267230 | ! | OAQ | ! | 940929 | 14:39:50! | 036903322 | ! | 00:29! | 00:00:04! |
| 267260 | ! | IU | ! | 940929 | 14:40:18! | RINGINGS: 11 | ! | 00:19! | ! |
| 267230 | ! | IA | ! | 940929 | 14:40:50! | RINGINGS: 4 | ! | 00:05! | 00:00:41! |
| 267267 | ! | IA | ! | 940929 | 14:41:21! | RINGINGS: 4 | ! | 00:05! | 00:00:12! |
| 267230 | ! | OAQ | ! | 940929 | 15:07:49! | 074434022 | ! | 00:31! | 00:00:20! |
| 267230 | ! | OAQ | ! | 940929 | 15:13:23! | 032877099 | ! | 00:22! | 00:01:26! |
| 267230 | ! | OUQ | ! | 940929 | 15:15:11! | 062497444 | ! | 00:29! | ! |
| 267230 | ! | OAQ | ! | 940929 | 15:15:41! | 062567777 | ! | 00:28! | 00:07:00! |
| 267267 | ! | IA | ! | 940929 | 15:31:10! | RINGINGS: 4 | ! | 00:06! | 00:00:07! |
| 267230 | ! | OAQ | ! | 940929 | 15:23:21! | 008335526 | ! | 00:31! | 00:11:27! |
| 267267 | ! | OAQ | ! | 940929 | 15:35:24! | 036903322 | ! | 00:33! | 00:02:24! |
| 267230 | ! | OUQ | ! | 940929 | 16:01:20! | 032778777 | ! | 00:22! | ! |
| 267267 | ! | IA | ! | 940929 | 16:06:08! | RINGINGS: 6 | ! | 00:07! | 00:05:21! |
| 267267 | ! | IA | ! | 940929 | 16:14:09! | RINGINGS: 6 | ! | 00:08! | 00:00:16! |
| 267230 | ! | OAQ | ! | 940929 | 16:24:10! | 032877099 | ! | 00:24! | 00:00:39! |
| 267267 | ! | IA | ! | 940929 | 16:39:15! | RINGINGS: 6 | ! | 00:09! | 00:46:18! |
| 267230 | ! | OAQ | ! | 940929 | 18:02:07! | 057841375 | ! | 00:27! | 00:02:00! |
| 267230 | ! | OAQ | ! | 940929 | 18:05:20! | 053428357 | ! | 00:27! | 00:00:29! |
| 267230 | ! | OAQ | ! | 940929 | 18:06:35! | 053428591 | ! | 00:29! | 00:04:54! |
| 267267 | ! | IA | ! | 940929 | 20:33:41! | RINGINGS: 7 | ! | 00:10! | 00:04:15! |
| ! | ! | LOGIN! | ! | 940930 | 00:50:15! | OPER: AUTODUMP! | ! | ! | ! |
| ! | ! | ! | ! | ! | ! | ! | ! | ! | ! |
| ! | ! | SET | ! | 940930 | 00:50:12! | OPER: AUTODUMP! | ! | ! | ! |
| ! | ! | TIME | ! | ! | ! | ! | ! | ! | ! |

DEMONSTRATION TESTS

PART D: LOCAL EXCHANGE CALL DELIVERY TO CPE DEMONSTRATION

- Tests 1 & 2 are for demonstration purposes only. The outcomes will not have any statistical measurement significance.
- The test calls should come from several origins and be oriented towards the incoming call profile of the customer (taking into account the nature of his business) whilst having regard to average traffic patterns.
- In consultation with the customer, Telecom will determine typical call profiles, busy and minimal traffic periods, and the nature of his business.
- The profiles of volume, time and origin must not include periods of mass calling or special discount tariffs.
- Where the service terminates both a standard PSTN number and a 008 / 1800 number, separate tests are to be carried out on each number.
- For Tests 1 & 2, the nominated number of test connections should be made across the public network between Line Interface Circuits (LICs) and the customer's SDP terminated in the customer's usual CPE.
- The originating test numbers are to have a standard customer category.
- Tests 1 & 2 will be limited to 20 calls per service.
- Tests 1 & 2 may be performed with the same set of test calls where appropriate.

| Test | Test Description | Desired Outcome |
|---|--|--|
| 1. Success Rate of Incoming-Calls to the Customer's CPE | During a period agreed with the customer, count and catalogue the results of test calls terminating via the customer's CPE. When the testing is to a 008 / 1800 service, the test calls will be generated to the customer's 008 / 1800 number and terminate via the customer's CPE. | > 18 out of 20 originated call attempts are successfully connected. Calls are successfully connected when connections are established to the required number. |
| 2. Call Continuity/ Dropouts to the Customer's CPE | During a period agreed with the customer, monitor the duration of established test calls via the customer's CPE. Each test call shall have a duration of at least 120 seconds. | < 1 out of 20 successful calls will clear down prior to correct test release. |

4 F

Handwritten notes:
27.6.97
27.6.97

Handwritten notes:
Golden
CCT. Cash

PROOF



COMMONWEALTH OF AUSTRALIA

SENATE

ENVIRONMENT, RECREATION, COMMUNICATIONS AND THE ARTS
LEGISLATION COMMITTEE

Reference: Matters arising from Telstra annual report 1995-96

CANBERRA

Tuesday, 24 June 1997

PROOF HANSARD REPORT

CONDITIONS OF DISTRIBUTION

This is an uncorrected proof of evidence taken before the Committee and it is made available under the condition that it is recognised as such.

CANBERRA

Handwritten: 4-G

Senator O'CHEE—And what were you told in that induction briefing about the group's role?

Mr White—In the first induction—and I was one of the early ones, and probably the earliest in the Freehill's area—there were five complainants. They were Garms, Gill and Smith, and Dawson and Schorer. My induction briefing was that we—we being Telecom—had to stop these people to stop the floodgates being opened.

Senator O'CHEE—What, stop them reasonably or stop them at all costs—or what?

Mr White—The words used to me in the early days were that we had to stop these people at all costs.

Senator O'CHEE—So when you were told to do a document better, that meant to do a better job of stopping them at all costs?

Mr White—I would say explaining the information available to the best of my ability. That is the best way I can explain it.

Senator O'CHEE—To the satisfaction of—

Mr White—The team leader.

CHAIR—Mr White, were you ever expected to fabricate information or to misinterpret the evidence?

Mr White—No.

CHAIR—So you were asked to explain to the best of your ability, if this could be explained not as Telstra's mishandling of it but as an error that could be explained?

Mr White—I was never ever coerced to do something that was immoral or illegal.

Senator O'CHEE—Mr Pinnock, you just heard evidence of this group being established after the fast-track arbitration process was set up.

Mr Pinnock—I am not sure whether the evidence was that it was after it was set up. I understood it was to be at the same time. But in the event, I take your point on that, Senator.

Senator O'CHEE—You have just heard evidence about the activities of this group. Do you think that Telstra's conduct in this is consistent with a simple, fast, non-legalistic approach to resolving the problem?

CHAIR—What I am saying is that you said that you were told to do your best. The implication could be to do better, to show that these people who were making a claim and they had a legitimate claim, but 'Let's try and find our way around it.' I think you clearly said that that was not the case but I just want to make sure, because this is vital and a very important fact. My opinion is that, if a public company is charging me for telephone bills and all those bills add to the CPI and the cost of everything in Australia, you just cannot have people making illegitimate claims. What the company would be doing is saying, 'We want you to make sure that these are legitimate claims, and we want you to do your very best to make sure that the claim is a genuine claim.' Is that what you were being asked to do?

Mr White—I was being asked to interpret the data available and explain it in the best possible way, accurately. That is the best way I can—

CHAIR—Not just to the advantage of Telstra, but the best possible way you could, irrespective of what the outcome was?

Mr White—As a member of Telecom at the time, I believe it was in my interest to interpret the data as accurately as possible to represent Telecom in the best possible light.

CHAIR—But never were you asked to interpret it in any way that would disadvantage the client by your saying something that was stretching the truth?

Mr White—No. For example, Mr Schorer's flexitel system was prone to having power problems, overloads. I would have spoken to probably every service technician that ever went there, and asked why it happened. Some of them said that the place was dirty; some of them said there were things stacked on top of the unit which caused an overheating problem. The fact is that there were consistent problems.

Senator SCHACHT—Mr White, you said earlier, in an answer to Senator O'Chee about some sort of induction thing when you joined the unit, that you were given an outline that these five cases, if they were not dealt with and so on, could lead to a lot more claims against Telstra. I presume you were, in a sense, paraphrasing that process of induction, or was it specifically put in front of you that your job was, 'Get these cases dealt with as quickly as possible and out of the way, so that we get no more in the future'? Is that the impression you were left with?

Mr White—There was never any reference to time, 'as quickly as possible', but the induction process was, as I said before, that the first five had to be stopped at all costs.

Senator SCHACHT—'Stopped at all costs'—that was the phrase. Can you tell me who, at that induction briefing, said 'stopped at all costs'?

Mr White—Mr Peter Gamble, Peter Riddle.

| | | | |
|-----------|--|---------------------------------------|---------|
| FAX FROM: | ALAN SMITH C. O. T. | DATE: | 2.10.94 |
| FAX NO: | 055 267 230 | | |
| PHONE NO: | 008 816 522 | NUMBER OF PAGES (including this page) | 1 |
| FAX TO: | Mr Ted Benjamine General Manager Customer Response Unit Telecom | | |

Dear Mr Benjamine,

Thursday 29th September, 1994, Telecom were present at the Cape Bridgewater Holiday Camp. Mr. Peter Gamble was the leading technical adviser and they were here at Cape Bridgewater to do a verification test on my lines. Before any discussions took place I was asked how many phones I had connected to my three lines. I stated that there were two on the 267 267 line (one being an extension phone in the kiosk, the other one in the office); there was a fax machine incorporated with a phone on 267 230 and also a single-line Gold Phone.

Two of the technicians then went over to the main hall, where both the Gold Phone and the Kiosk phone are connected and arrived back in the office about 10 minutes later. It was then that I was asked, in front of a house guest, what else I have connected on my lines - do I have another extension phone? The answer was then, and is now, NO. After a discussion the two technicians left the office.

Five or ten minutes later Peter Gamble informed me that a technician had left the kiosk phone connected, across the line.

My own tests show that the kiosk phone, being a wall-phone, and 360mm from the bench below, has nowhere to hang or sit when disconnected. When this phone is disconnected the in-coming cord from the phone is 160mm. There is no way anyone can mistakenly leave this extension phone across the line. There could have been NO mistake. The phone could not have been left across the line and this is FACT.

I am now asking Austel to enquire as to what was connected to my line to make these technicians question me in the beginning. They seemed somewhat lost, and they had a red mobile phone with them. If there is a simple explanation, then please provide me with that explanation.

Because of the way Telecom have performed their misleading and deceptive conduct in the past, one's mind and thoughts are led to continue to distrust them.

Sincerely,

Alan Smith

cc Warrick L Smith, Telecommunication Industry Ombudsman
Cliff Matherson, Austel Melbourne
Dr. Gordon Hughes, Hunt & Hunt, Lawyers, Fast Track (Arbitrator)

4-H

| | | | |
|-----------------------|--|---------------------------------------|----------|
| FAX FROM: | ALAN SMITH C. O. T. | DATE: | 10.10.94 |
| FAX NO: | 055 267 230 | | |
| PHONE NO: 008 816 522 | | NUMBER OF PAGES (including this page) | 1 |
| FAX TO: | Mr Ted Benjamine General Manager Customer Response Unit Telecom | | |

Dear Mr Benjamine,

It is not you I disbelieve, it is the men who were performing verification tests on the three lines at Cape Bridgewater.

A copy of a Statutory Declaration follows this fax. When I get to a stationery shop I will sign one myself regarding the facts as stated by Ms Ezzard.

I have almost acquired proof of another lie, made by one of the men present. When I am able to substantiate this proof I will table this information.

Mr. Benjamine, one of the four men who were at this camp on the day in question had been here before, some three months ago. On 26/5/94 this same Telecom employee had been in the same kiosk where he now says the phone was left connected by mistake. For your ears - Mr Peter Gamble asked me in my office if I had anything other than the fax machine (with phone attachment) and the incoming phone line in the office (this makes two phones lines actually coming into this office). He asked me in easy hearing distance of Ms Ezzard, who was in the house lounge "Have you got any other extensions attached to your phone lines?" I said "NO". I then had a look at the electronic equipment he was using and a needle was still registering from side to side.

I asked emphatically "Have you disconnected both phones over in the hall, the Gold Phone and the Kiosk Phone?" The chap who had been here before said "Yes." We stood in limbo for seconds, minutes. Then the chap who had been here before walked out of the office with the other Telecom person.

A few minutes later I asked Peter Gamble what was wrong. It was then that he said that the Kiosk Phone had been left connected by mistake. This is emphatically incorrect.

I now ask you to ask Peter Gamble what they were saying on the red mobile phone just a few minutes before. Whatever you say, I believe that they were talking to another Telecom chap in the RCM at Cape Bridgewater.

Mr Peter Gamble has told me on two occasions that he has experienced phone problems while contacting 267 267. One was an RVA, the other was when he had been talking to me on the 267 267 number and my fax was playing up again. After the fifth or sixth short ring he asked me to

4-1

pick up the phone the next time the fax rang. I did and an engaged signal was heard; not only be me but also by a house guest. Mr. Gamble stated then and on one other day, that he would write a letter of acknowledgement of this fact but to this day he has not.


We are supposed to work with Telecom during this Arbitration Procedure. The long-time Telecom Management Team are doing Telecom a great harm for the future but they just don't see it. This is what is sad. BHP, Esso, Western Mining, I have worked for them all. No management has ever behaved in the same manner as the Telecom Corporate Team now in office.

Considering that you have already responded to my questions on why and what happened during this Verification Testing, I wonder how you will reply now?

Sincerely,

Alan Smith

cc Dr. Gordon Hughes, Hunt & Hunt, Lawyers, Fast Track (Arbitrator)
Warrick Smith, Telecommunication Industry Office.



STATUTORY DECLARATION VICTORIA

I, *ALAN SMITH*

of *Room 4407*
CAPE BRIDGEWATER

in the State of Victoria

sincerely declare *PORTLAND*

do hereby solemnly and

THAT:

The two attached letters dated 2nd and 10th October 1994, to Mr Ted Benjamin of Telstra, describe the following strange set of circumstances that occurred on 29th September 1994 at the Cape Bridgewater Holiday Camp.

On 29th September, a Telstra chief engineer (Peter Gamble) and his team attended the Camp and could not successfully operate the verification testing equipment they connected to the phone system. As the two attached letters indicate, Mr Gamble accused me of leaving the kiosk phone connected to the incoming service and said that this was causing the testing equipment to malfunction. At the same time, the engineers were exclaiming about their inability to dial out successfully. I explained that the problems with dialling out (and receiving incoming calls) were what had sent me to arbitration in the first place and that, of course, was why they were there.

My partner, Cathy Ezard, witnessed an exchange between the younger of the technicians and Mr Gamble when I was showing the young technician some eighty-six letters and statutory declarations I had accumulated from customers and other professionals. These documents detailed the various problems each of them had experienced when trying to contact me by phone. When Mr Gamble entered the room and saw the documents I was showing to the young technician he became quite angry and removed the technician. Although I submitted these 86 plus letters to the attachments accompanying my letter of claim dated 15th June 1994, documents at hand confirm this material was never assessed or investigated during my arbitration.

I have previously submitted a statutory declaration about this incident to Dr Hughes, the arbitrator, but it was not returned to me with my other documents, after my arbitration. Furthermore, the statutory declaration does not appear on the arbitrator's list of documents he received from me during my arbitration.

My fax account for the period of my arbitration includes some forty-three sets of claim material which I faxed to Dr Hughes but the list of inter-arbitration documents exchanged between Telstra and the TIO's resource unit does not indicate that either Telstra or Dr

Hughes ever received these forty-three sets of documents. My statutory declaration relating to the verification testing fiasco was one of these forty-three 'missing' faxes.

I cannot be blamed for faxes that got lost in Telstra's system! I definitely sent this statutory declaration to Dr Hughes asking that Telstra re-do the verification testing in the presence of DMR (Australia) who were the technical consultants to the arbitration. I also complained in correspondence to Dr Hughes that my service faults were still apparent in the network and that the verification tests had not confirmed (or rectified) the on-going faults. Documents which I received from the Australian Communication Authority (ACA) in 2002 confirm that, six months after my arbitration, I supplied the regulator with irrefutable evidence of the way Telstra was then still wrongly billing my phone service lines, even after they had carried out the verification testing on 29th September 1994. The regulator agreed with my evidence.

AND I MAKE this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of an Act of Parliament of Victoria rendering persons making a false declaration punishable for wilful and corrupt perjury.

DECLARED at Portland. in the

State of Victoria this 4th

day of March Two thousand

and four.

Before me

S. FINNIGAN

ALSA 22007.
(Signature of person before whom the declaration is made)



(Signature of Declarant)

of SEAK COVE GUEST HOUSE
BLOWHOKES RD
CAPE BRIDGEWATER

in the State of Victoria
do solemnly and

sincerely declare

THAT

I was present at the Cape Bridgewater Holiday Camp when Peter Gamble + crew arrived to do the verification testing.

After some discussions with Alan Smith they went outside to check where phone equipment was located.

A young Telstra employee disconnected the phones + fax machine from the office. He went to the main hall and reconnected the extension phone and the gold phone.

He came back to the office a couple of times asking if we had any other equipment connected to the lines as his testing was indicating something was still across the lines so he couldn't do any testing.

I checked with him that everything at the camp was disconnected but it didn't solve his problem.

After the employee spoke with Peter Gamble about the problem, Peter Gamble rang the employees at the exchange and appeared to be rather irate.

I was at the camp for the duration of Peter Gamble's visit mostly in the office.

No volume of calls came through the camp.

It appeared to me that Peter Gamble became quite agitated while trying to do the testing.


These are my recollections of events which occurred on 29th September 1997.

At the time of testing I wrote a statutory declaration of my observations. I gave this to Alan Smith.

B. Ezard

AND I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of an Act of the Parliament of Victoria rendering persons making a false declaration punishable for wilful and corrupt perjury.

DECLARED at **PORTLAND POLICE STATION** in the
State of Victoria this 3rd
day of March Two thousand
and four

Before me  VP32877.
AT 4/3/97

B. Ezard

4-K

| Document number | Date | Description of Document | Table | Decision | Reason for Decision | Comments |
|-----------------|-----------|---|-------|------------------|---------------------|----------|
| L69208-L69213 | 7-Oct-94 | Fax from Gordon Hughes, Hunt & Hunt, to Ted Benjamin, General Manager, Customer Response Unit, enclosing two letters to Alan Smith and letters to John Rundell and Peter Bartlett, all letters dated 7 Oct 94. | C | Released in full | | |
| L69214-L69235 | 12-Oct-94 | Letter from Gordon Hughes, Hunt & Hunt, to Ted Benjamin, General Manager, Customer Response Unit, enclosing documents submitted to Gordon Hughes by Alan Smith on 11 Oct 94. | C | Released in full | | |
| L69236-L69239 | 12-Oct-94 | Fax from Gordon Hughes, Hunt & Hunt, to Alan Smith referring to evidence provided by Alan Smith on 11 Oct 94. | C | Released in full | | |
| L69240-L69345 | 13-Oct-94 | Letter from Gordon Hughes, Hunt & Hunt, to John Rundell, Ferrier Hodgson Corporate Advisory, enclosing transcript of proceedings held on 11 Oct 94. | C | Released in full | | |
| L69346-L69353 | 28-Oct-94 | Fax from Gordon Hughes, Hunt & Hunt, to Ted Benjamin, National Manager, Customer Response Unit, Telstra, enclosing copy letter from Ferrier Hodgson to Hughes dated 25 Oct 94. | C | Released in full | | |
| L69354 | 31-Oct-94 | Letter from Gordon Hughes, Hunt & Hunt, to Ted Benjamin, National Manager, Customer Response Unit, Telstra, referring to Hughes' facsimile of 28 Oct 94. (Enclosures referred to are not on the Telstra file searched.) | C | Released in full | | |

4 → L

| DATE SENT | | TIME SENT | DURATION | DATE SENT | | TIME SENT | DURATION |
|----------------|-----|-----------|--------------|----------------|-----|-----------|--------------|
| Month/ Year | Day | | (in seconds) | Month/ Year | Day | | (in seconds) |
| Sept 1994 | 21 | 02.59 | 0.51 | Jan 1995 | 4 | 05.04 | 1.10 |
| Oct 1994 | 3 | 06.31 | 1.13 | | 5 | 01.39 | 1.44 |
| | 7 | 05.13 | 0.53 | | 16 | 10.28 | 1.38 |
| | 10 | 05.52 | 1.36 | | 24 | 10.49 | 2.19 |
| | 10 | 12.25 | 2.46 | | 24 | 04.13 | 4.18 |
| | 13 | 02.20 | 8.23 | | 25 | 09.41 | 0.41 |
| | 13 | 07.32 | 0.57 | | 25 | 09.42 | 0.41 |
| | 14 | 03.57 | 6.42 | | 26 | 04.22 | 4.38 |
| | 17 | 11.50 | 2.04 | Feb 1995 | 15 | 06.58 | 6.20 |
| | 18 | 02.33 | 0.07 | Mar 1995 | 6 | 10.41 | 3.03 |
| | 18 | 02.33 | 3.10 | | 24 | 01.17 | 3.33 |
| | 19 | 11.38 | 9.16 | | 31 | 10.32 | 1.27 |
| | 23 | 05.42 | 5.17 | | 31 | 12.32 | 0.49 |
| | 25 | 10.29 | 1.32 | Apr 1995 | 7 | 2.46 | 1.06 |
| | 27 | 07.04 | 1.32 | | 13 | 02.45 | 1.17 |
| Nov 1994 | 7 | 02.32 | 1.31 | | 17 | 15.27 | 0.21 |
| | 9 | 03.41 | 1.02 | | 17 | 5.57 | 6.24 |
| | 11 | 04.17 | 1.56 | | 19 | 10.21 | 1.51 |
| | 24 | 11.24 | 0.46 | | 24 | 03.18 | 1.03 |
| | 28 | 10.41 | 2.33 | May 1995 | 1 | 03.16 | 1.43 |
| Dec 1994 | 5 | 10.09 | 4.24 | | 3 | 02.49 | 1.16 |
| | 6 | 11.33 | 2.13 | | | | |

TOTAL = 43 DOCUMENTS

NOTE: some documents included multiple pages of attachments

LH

*Cape Bridgewater Holiday Camp and Convention Centre
Portland, Victoria, 3303*

Dr. Gordon Hughes
Hunt & Hunt
Lawyers
Melbourne

30th January, 1995

Dear Dr. Hughes,

A ruling regarding information associated with the Defence Documents being presented in this manner must be addressed. I had no intention of drip feeding information to the Arbitration Dr Hughes, once my final Submission had been presented.

It is now thirteen months since the first of four FOI applications was presented to Telstra and yet, even after all this time, Telecom have not supplied the material I have sought: NNI documentation, technician's diary notes, ELM1 raw data, CCS7, CCAS and EOS data and voice monitoring fault records. Very little of this information has been supplied under the Arbitration Procedure.

When reading Telecom's Defence and FOI documents it is apparent that they have referred to this documentation when compiling much of their defence. Mr. Arbitrator, you are wrong if you think that I am just holding the stage on these issues alone, without merit to their value

I have set out in this letter to show the significance of viewing the material and documentation that is currently missing. Cross-checking only the information which has been supplied still shows discrepancies and flaws in Telecom's test results and in their monitoring of customer's lines. If this can be shown using only limited material I'm sure the Resource Team can understand my frustration at not receiving the rest of the FOI material as sought under the FOI Act. This other material would have enabled me to substantiate even further, the inadequacies of Telecom's testing; the fabrication of files and test calls to establish an incorrect reading when Telecom technicians knew different.

In my reply to Telecom's Defence Documents, which is titled "Brief Summary of Telecom's Witness Statements, Conflicting Evidence", under the heading of "Bell Canada and Next Testing", I show incorrect monitoring of calls into my business on 055 267 267. Telecom Documents 101312 and 101313 show that, from 3/9/93 to 12/10/93 Austel was supplied raw ELM1 tape data of these calls into my business. I have not received this data, however, my own calculations can be viewed by checking what is written in the graph/tables as shown on document 101313. A total of 376 answered calls registered into this business during those five weeks mentioned. The C/B/H/C first Submission, 7/6/94 (ref 0433 to 0444) shows these calls were incorrect.

My calculations show 425 answered calls, not 376 as shown in the graph. The graph also shows no incoming answered calls of less than five seconds, yet my calculations show 158 answered calls within this five second period. My total unanswered calls are 7 instead of 8 as shown in the graph. With this letter I present a further example, marked 'A' - test calls 10/6/94 (8 test calls). If we look at 15.30.07 to 15.30.57, four test calls took place in 44 seconds, allowing for the answered calls. This did not allow for the setting up of the answered calls and the eight seconds these four calls took to be answered. We now have four test calls within a 35 second duration and this does not allow for the dialling pattern to be completed. These test calls were not conducted in an efficient manner by Telecom's own testing programmers.

(Continued on page 2)

LHM

A63743

(Continued from page 1)

A further example, marked 'B', is a copy of my 008 account. Please note the following:

8/9/93 at 01.00 pm call time 1.36
 9/9/93 at 02.41 pm call time 2.59
 14/9/93 at 03.36 pm call time 0.46
 14/9/93 at 03.46 pm call time 3.37

The C/B/H/C first Submission, 7/6/94, ref 0435 will show that these calls were not registered into the CCAS, yet I was charged for them.

The Resource Team will also note that these four calls were also part of the registered calls which were shown in the graph as 376 and my calculations were seen at 425. So here are a further four calls (that we know of). These examples here show clearly that the monitoring and testing at C/B/H/C RCM at Cape Bridgewater was not as we are lead to believe.

As further evidence of misleading conduct associated with Telecom's testing I refer the Resource Team to Telecom's Defence Document, Appendix 3 at 7. We have Bruce Pendlebury stating that he called me to ask if I was still using my cordless telephone on 30/8/93. He further states that I told him that I hadn't used it for some time. His written notes have confused him and, certainly, others who would view this document, as it appears as though I still had my cordless phone, even though it was returned in early April, 1993. He further states that several test calls by Gordon Stokes were made to Smith. The C/B/H/C first Submission, 7/6/94, ref 0389 shows no test calls to my business, even though Gordon Stokes claims these calls took place.

Telecom document marked K02643, hand written by Cris Doody, is further evidence of misleading and deceptive conduct by Telecom. If the Resource Team view page 13 of my second submission, titled "Cape Bridgewater Part 2" they will see a letter from Mark Ross. This letter states that the MELU fault, which we now know was a non-programmed line route to Cape Bridgewater, meant that 50% of all metropolitan Melbourne callers (clients of this business) were switched via this exchange. This route did not acknowledge 055 267 ... numbers and so the callers would only hear a continued RVA message "The number you are ringing is not connected".

Mr Mark Ross states in his letter that this fault was only for "two" days. On the following page in my second submission (page 14) we see another hand written letter addressed to Rossanne, MELU, RVA, somewhere between 9/2/- and 19/3/-. Following this page there is a Telecom Minute and I quote from paragraph three, the last two lines: "One would think that if the code was not in data at MELU prior to that date, then complaints would have been likely to have been received before March, 1992."

Mr Arbitrator, the document K02643 referred to above (author Cris Doody), states that it is likely that this fault began on takeover day to the new RCM. This takeover date was 19th August, 1991 and the fault continued to 19th March, 1992, a period of seven months. A letter written to me on 23rd November, 1992 (author Don Lucas), states that this MELU fault lasted for only three weeks. This letter was only written because I continued to refute that two day period claimed by Mark Ross. The letter from Don Lucas also states that 50% of metropolitan callers would use this route.

My reply to Telecom Defence Documents, appendix titled "Brief Summary, Telecom's Witness Statements, Conflicting Evidence" under the heading "Appendix C1 Melu" shows a Telecom document stating that callers to Cape Bridgewater, via MELU, would be 50%. Not 'may be', but fact.

Telecom Defence Document "Holiday Camp Service History" page 19, paragraph 4, states that 33% of callers, on average, would use MELU. Telecom, in a written Statutory Document, has even tried to play this down 17%. That statement in this Statutory Declaration is misleading and commercial deception, the conduct is unconscionable behaviour.

(Continued on page 1)

A63744

Continued from page 2

My own letters from 1988, 89, 90 and 91, state that callers to this business had complained during that time of receiving continued voice announcements stating that the number they were ringing was not connected.

Dr. Hughes, and I address this also to all those who have read all my submissions and my reply to Telecom's Defence Documents. I firmly believe that Telecom has deliberately down-played this fault.

During my settlement period, and on the day of December 11, 1992, Telecom's Corporate General Manager, Commercial, Vic/Tas, misled me on this MELU incident as well as other issues. It has been shown, in my correspondence to Dr Hughes, that this same Australian lady chose to also deceive Telecom's own outside solicitors, Freshill Hollingdale & Page, by stating that I had only complained of nine faults from 6th January 1992 to 9th August 1992. Nine times. Yet, in a Statutory Declaration regarding documents read by Ian Joblin, we see at least 34 complaints and also a number of "known" Telecom faults.

As a further indication of this misleading and deceptive behaviour by Telecom Corporate I present five Telecom documents, including my written FOI request to Telecom. The Telecom numbers are: K47562 to K47565 and R01623.

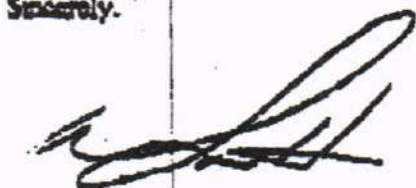
Regarding Document K47563, my initial request to Telecom on 21st December, 1992, we read that this request was not accompanied by the required \$30.00 application fee. I ask Dr. Hughes and the Resource Team to view Document R01623 (my FOI application), particularly the P.S. at the end.

I believe the author of the letter to Ms Fay Hothuzen, Department of Communications and the Arts was Paul Rumble, as this FOI document was obtained from his file. If this is so, then Mr Rumble has misled and deceived Ms Hothuzen. If this is not seen by the Commonwealth Ombudsman's Office as misleading and deceptive commercial conduct then it will at least show that Telecom will conjure words to defraud the general public.

The examples I have presented in this letter today must be viewed in the context in which they have been tabled. I am not of legal mind, however what I see is that Telecom would go, and has already gone, out of their way to down-play telecommunication faults, to confuse issues associated with those faults and, in an over-view of Telecom's witness statements and the History of the Cape Bridgewater Service, this Statutory Declaration is flawed.

If all this information can be obtained from the FOI documents that I have received, then the technical documents, files, diary notes of various technicians, including CCAS, CCS7, EOS, ELM1 Raw Data Tapes would have shown so much more: faults, lies, cover-ups. Just to stop four individuals, members of COT from uncovering the truth.

Sincerely,



Alan Smith
Cape Bridgewater Holiday Camp and Convention Centre
Portland, 3305

A63745

*Cape Bridgewater Holiday Camp and Convention Centre
Portland, Victoria, 3305*

Dr Gordon Hughes,
Hunt & Hunt,
Lawyers,
Melbourne.

15th February 1995

Dear Dr Hughes

I refer you to my copied letters to you dated 2nd and 10th October 1994, with regards to my complaints against Telstra's verification tests carried out on my service 29th September last. In her statutory declaration Ms Cathy Ezard, complained that she believed Mr. Gamble did not correctly test the supposed test calls which should have connected to both our fax line and our incoming service line. My own declaration of these complaints was also forwarded to your office including my concern that my Kiosk phone was not correctly tested as well as my Gold Phone. My records show your office has yet to respond to these complaints.

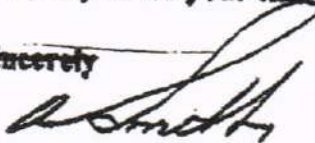
During late June through to September 1994, it appeared my service had improved during this period with only a few complaints from customers. However, since that period Ms Ezard and I have received quite a few complaints that our phones seemed to be constantly engaged or the phone rings out even though one of us is in attendance. My previous letters to you in January 21st and 26th also confirmed we were still experiencing problems with our service lines.

As you are aware the verification testing was prepared in consultation with Austel and was to form the basis for determining whether the CoT cases individual telephones service was operating satisfactory at the time of our arbitration. Our previous statutory declarations confirmed the testing was not conducted as they should have under the agreed testing process. As I have not received notice from you in regards to these declarations and my letters of January complaining of these faults that you find time to pass my comments onto Telstra for investigation purposes. I ask you to instruct Telstra to provide you and DMR, clarification as to why my phones are still not functioning, as they should.

Please find attached here supporting documents which confirm the continuation that both my 000 and fax service lines are still experiencing problems.

I thank you for your time.

Sincerely



Alan Smith

H-M