5.8 ***Faults Caused by Claimant***

(a) Telecom asserts that many of the claimant's reported "faults" were attributable to mis-operation of his telephone, cordless telephone, telephone answering machine and facsimile equipment. Examples are said to be leaving the phone off the hook or damaging the equipment by spilling a liquid into it.

(b) The claimant responds in the following terms:

> "If the problem were the answering machine, then why did the problems continue after the answering machine had been removed for 12 months. Secondly, if the problem was me leaving the phone off the hook, then why is it that not all persons reported simply an engage signal. If the phone problem was caused by my misuse of the cordless phone, then why is it that all persons just did not receive the ring out situation."

(c) Telecom nevertheless maintains that most reported faults were attributable to mis-operation by the claimant or by his callers or to normal wear and tear on the equipment they were using.

(d) In this regard I have noted, for example, the statutory declaration by Ross Stewart Anderson, a Senior Technical Officer Grade 1, who concluded that specific fault allegations involving the claimant's answering machine, cordless phone and facsimile machine could only be attributable to operator error. I have also noted the statement by Humberto Lopes, senior Telecom Technical Officer Grade 2, to the effect that reported facsimile machine faults were attributable to customer error.

5.9 ***Telecom's Level of Service***

(a) George Close states that whilst statistics obtained under FOI were "very limited", all statistics which were supplied "showed very high fault levels". He adds that "whilst we have no hard evidence that these fault levels were maintained throughout the 6 years, there is no certainty that the fault level was not higher."

(b) Telecom asserts that the level of service provided to the claimant "was equal to or better than those in other rural areas". Of the seven problems located prior to 11 December 1992, for example, one had "no effect" and the others "had a minimal impact". Specifically, the network upgrade program in Cape Bridgewater had been brought forward in response to the claimant's complaints, whilst a number of investigations revealed no fault.