

AUSTEL
Alan Smith
Draft Report
Part 2



- Telecom had conducted extensive testing
 - Cape Bridgewater Holiday Camp frequently reported problems with the quality of telephone service
 - both the camp and Telecom were receiving confirmation of reported problems from other network users
 - major faults were identified more through persistent reporting of problems by customer than through testing of the network
 - customers in the Cape Bridgewater area were also complaining of similar problems
- 26 The chronology of significant events demonstrates that Telecom conducted extensive testing and Telecom rectified faults without delay when faults were identified. It is clear, however, that -
- Cape Bridgewater Holiday Camp was exposed to significant network problems over an extended period of time
 - Telecom testing did not detect all of the network problems affecting Mr Smith.
- 27 As is discussed under allegation in more detail throughout this document, Telecom's failure to adequately identify Mr Smith's network problems challenges the basis of Senior Telecom Management's approach to the resolution of Mr Smith's complaints and his claims for compensation. Documents which highlight a categorical reliance on testing over customer perception are-
- Telecom Group Managing Director, Commercial and Consumer's letter to the COT spokesperson on 23 September 1992 which advised that "At this point I have no evidence that any of the exchanges to which your members are attached are the cause of problems outside normal performance standards"¹⁸
 - A Telecom Minute of 28 October 1992 from the General Manager, Telecom Commercial Vic/Tas to the Group Managing Director, Commercial and Consumer which

¹⁷ Locate Quote from Smith re number of contacts?????????

¹⁸179 - Garms

advised of serious concerns that the technical experts had in conducting further testing, their view that extensive testing has already been performed and "that all indications other than the customers' own comments are that the telephone services are performing satisfactorily."¹⁹ 123

Allegation (I) Failure to Honour Settlement

28 AUSTEL has not viewed the confidential settlement agreement reached between Mr Smith and Telecom.²⁰ . Mr Smith first wrote to Telecom on 20 June 1992 requesting compensation as a result of his service difficulties and a settlement was reached on 11 December 1992.

Telecom's Approach to reaching Settlement

29 A fundamental issue underlying Telecom's settlement with Mr Smith was the question of whether Telecom had taken reasonable steps to comprehensively diagnose the standard of Mr Smith's telephone service. This is an important point as settlement took place on the basis that both parties agreed that Mr Smith was receiving an acceptable standard of service at the time of settlement. Mr Smith maintains he was under considerable financial pressure to reach a settlement, leading him to accept Telecom's assurances of the integrity of his service at the time of settlement.

30 There were ongoing negotiations between the COT group and Telecom in the months immediately prior to Mr Smith reaching settlement. Telecom's approach of linking an acceptance by the COT members that their current standard of service was adequate to compensation for past experience of problems is exemplified in the following quote from Telecom's Group Managing Director Commercial and Consumer, in a letter dated 23 September 1992, to the COT Spokesperson Mr Schorer:

¹⁹305 - Smith

²⁰ Any reason why we should not view this? As our draft is being submitted to Telecom prior to being printed they can raise objections to the confidentiality aspects of agreement at this time.

The key problem is that discussion on possible settlement cannot proceed until the reported faults are positively identified and the performance of your members' services is agreed to be normal.

Assurances provided by Telecom regarding the integrity of the Cape Bridgewater Holiday Camp Service

- 31 Mr Smith maintains that an integral feature of the settlement agreement was an undertaking by Telecom that after settlement he would be provided with a service which performed to the normal network standard. Irrespective of whether this undertaking was specifically stated in the formal agreement document, however, and as is the case with any subscriber, Mr Smith was entitled to believe that a service of normal network standard would subsequently be provided to his business. In addition, Telecom's approach to reaching a settlement with Mr Smith and achievement of this settlement supports Mr Smith's contention of assurances regarding his service standard.
- 32 Telecom's communications with Mr Smith in the months prior to settlement uniformly argued that the Cape Bridgewater Holiday Camp service was at an acceptable level and that Telecom was capable of rapidly rectifying faults as they arose.
- 33 On September 1, 1992, Mr Smith received a letter from the Telecom General Manager, Telecom Commercial Vic/Tas, who was then dealing with his service complaints. This letter stated that *"our recent tests indicate that your service is now performing to normal network standards"* and foreshadowed further testing on Mr Smith's service. A subsequent letter on September 18 from the Service Manager, Telecom Commercial Vic/Tas, sought to re-assure Mr Smith that Telecom was:

a technical organisation capable of responding quickly and efficiently to a service difficulty should there be a need. We believe that the quality of your telephone service can be guaranteed...

**Major Fault Analysis performed on Cape Bridgewater Holiday
Camp prior to Settlement**

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- 34 It is necessary to examine action taken by Telecom to identify problems on Mr Smith's service to determine the basis on which Telecom's assurances of service integrity were derived.
- 35 As a result of ongoing complaints from Mr Smith the examination of his problems were elevated to Telecom's National Network Investigations & Support Unit (NNI) on 24 July 1992. It appears that the initial focus of NNI was on reports from Mr Smith of RVA's affecting his service, but it is also clear that over subsequent months NNI performed a range of tests relating to both the RVA and NRR faults reported from the Cape Bridgewater Holiday Camp Service. Foremost amongst these test was a program of test calls to Cape Bridgewater Holiday Camp.
- 36 In late July and early August 1992 over 15,000 test calls were generated to 055 267 211, a number close to the Cape Bridgewater Camp numbers. Only 4 switching faults were identified by this testing. These test calls did not utilise Mr Smith's local RCM equipment or cable characteristics. In early August a Portable Tone Answering Relay Set (PTARS) was set up at the Camp and test calls utilising this RCM equipment were made from the Toorak, Port Melbourne and Seymour exchanges to 055 267 230. Again, Telecom's assessment of these calls was that there were no appreciable problems on Mr Smith's service.²¹ Telecom placed great reliance on the results of this testing in their assessment of Mr Smith's problems.

Reports of faults from other Cape Bridgewater Subscribers

- 37 Mr Smith reported a problem with "cross conversations" on 2 October 1992. Telecom's investigation of this complaint uncovered two other local numbers experiencing this problem on a frequent and ongoing basis. People on these numbers also reported other problems, one reporting being told of a caller to his number receiving an RVA

²¹ This will need to be update when a response is received on the RCM channel location of the PTARS during testing.

"number disconnected" message, with another person stating that "callers have told her they frequently get busy when calling her."

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- 38 A Minute which details the "cross conversation" faults from the Network Officer, Portland Telephone Exchange, concluded "All of the above customers are in the one RCM."²² An important point is that only three numbers on this RCM were involved in Telecom's inquiries at that time: there is no record of contact being made with other people receiving a service via this RCM to establish what their fault experience was. Based on an annual growth rate of 5%, Telecom has estimated that approximately 70 services operated from the RCM in late 1992,²³ so this would not have placed an onerous demand on Telecom resources.
- 39 As a result of the fault information received on the two services the Customer Manager Warmambool stated "he would initiate tests of cables and possible changes of RCM equipment." It appears, however, that at least in the case of the RCM equipment comprehensive testing by suitably qualified personnel was not performed until March 1993. The RCM was tested, however, for weak ring output in October 1992, with no fault found.²⁴ Weak ring output was one possible cause of the NRR problem.
- 40 A Telecom Minute dated 9 September 1993 from the OMG Manager, Network Operations, Vic/Tas, Warmambool states in the context of faults affecting the Cape Bridgewater Holiday Camp service that in October 1992 the following work was performed:

*Cable repairs to overcome crosstalk involving three customers at Cape Bridgewater as a result of a letter to Telecom.*²⁵

- 41 Unfortunately this Minute does not identify who the three customers are, who wrote the letter and the nature of the cable repairs performed. It is therefore not certain that this reference to crosstalk is

²² Gordon Stokes to Dave Stockdale 2/10/92

²³ The actual number of services of the RCM needs to be identified

²⁴ 555 - 9 Sept 1993

the same as the crosstalk problem verbally complained of by Mr Smith, although this appears probable. This reference to the "cable repairs" performed at this time is the only reference AUSTEL was able to locate in the file documentation on this issue. This is also unfortunate, as it is therefore impossible to assess what impact, if any, this problem may have had on other faults experienced by Mr Smith prior to the cable being repaired on his service, if indeed the cable was repaired on his service. AUSTEL has raised the matter with Mr Smith, and he has stated that he is unaware of any cable work being performed on his service or that of his neighbours at that time.²⁶ (Problems experienced by AUSTEL in assessing issues pertaining to Mr Smith as a consequence of file documentation not provided by Telecom are discussed under Allegation 2).

- 42 Some important question are raised by the possible existence of a cable problem affecting the Cape Bridgewater Holiday Camp service. Foremost of these questions is why was the test call program conducted during July and August 1992 did not lead to the discovery of the cable problem. Another important question is exactly how the cable problem would have been manifested in terms of service difficulties to the subscriber.
- 43 There was other fault information available to Telecom which indicated possible problems at Cape Bridgewater in late 1992. Technical Assistance Exchange Results for the period 1 September 1992 to 23 October 1992 recorded 9 subscribers in the number range 267 201 to 267 279 (other than the Cape Bridgewater Holiday Camp numbers) reporting problems - of these 7 subscribers reported problems with NRR and 6 with not being able to receive Dial Tone.²⁷ Two of these Technical Assistance entries on the 23 September 1992 also recommended an RCM test.²⁸ As no other fault report records remain in existence from Cape Bridgewater residents prior to this period, or these records have not been provided to AUSTEL, it is

²⁵555 - (Sept 1993

²⁶NOC - Alan Smith 28/2/94 - Diary entry.

²⁷ From NNI - Cape Bridgewater file. - we really need to ask for other GAPS info.

difficult to gauge the level of problems in the area which should have been known to Telecom based on their own routine reporting data.

- 44 Given the range of faults being experienced by Mr Smith and other subscribers in the Cape Bridgewater it is clear that Telecom should have initiated more comprehensive action than the test call program. It appears that there was excessive reliance on the results of the test call program and insufficient analysis of other data identifying problems. Again, this deficiency demonstrated Telecom's lack of a comprehensive and co-ordinated approach to resolution of Mr Smith's problems.

Conclusion

- 45 It would appear reasonable to assume that given the history and circumstances of Mr Smith's complaints Telecom would take comprehensive action to ensure that his service was performing at an acceptable standard and continued to do so. Such action would have been mutually beneficial, as Mr Smith would have received an acceptable service and the number of complaints to Telecom from Mr Smith would have diminished. It is clear that action performed by Telecom was not sufficiently comprehensive to identify the faults on his service, and that greater consideration of customers' complaints would have assisted in the resolution of Mr Smith's problems. It also seems that the considerable number of testimonials from callers experiencing problems contacting Cape Bridgewater Holiday Camp were similarly discounted by Telecom.
- 46 File evidence clearly indicates that Telecom at the time of settlement with Mr Smith had not taken appropriate action to identify possible problems with the RCM. It was not until a resurgence of complaints from Mr Smith in early 1993 that appropriate investigative action was undertaken on this potential cause. In March 1993 a major fault was discovered in the digital remote customer multiplexer (RCM) providing telephone services to Cape Bridgewater holiday camp. This fault may have been in existence for approximately 18 months.²⁹ The fault

²⁸ Run past Brian Morgan.

²⁹ Exact period needs to be clarified.

would have affected approximately one third of subscribers receiving a service of this RCM. Given the nature of Mr Smith's business in comparison with the essentially domestic services surrounding subscribers, Mr Smith would have been more affected by this problem due to the greater volume of incoming traffic than his neighbours. (A summary of the circumstances surrounding the RCM fault are detailed under Allegation (iii)).

- 47 Telecom's ignorance of the existence of the RCM fault raises a number of questions in regard to Telecom's settlement with Smith. For example, on what basis was settlement made by Telecom if this fault was not known to them at this time? Did Telecom settle with Mr Smith on the basis that his complaints of faults were justified without a full investigation of the validity of these complaints, or did Telecom settle on the basis of faults substantiated to the time of settlement? Either criteria for settlement would have been inadequate, with the latter criteria disadvantaging Mr Smith, as knowledge of the existence of more faults on his service may have led to an increase in the amount offered for settlement of his claims.

Allegation (ii) Failure to keep clients advised

Introductory Comment

- 48 AUSTEL has been hampered in assessing Telecom's dealings with Mr Smith by Telecom's failure to provide files relating to Mr Smith's complaints. A file from the local Telecom area who first dealt with Mr Smith's complaint has not been provided to AUSTEL, although documents from this file have been copied to other files. At the time of writing, no explanation for the failure to provide this file or other files has been received from Telecom.³⁰
- 49 As a result of Telecom's failure to provide file documentation relating to Mr Smith some of the following conclusions are consequently based on insufficient information. The information which is available, however, demonstrates that on a number of issues Telecom failed to

³⁰ May need to be re-written if other information comes to light.

keep Mr Smith informed on matters fundamental to the assessment of his complaints. 130

Congestion problem on Cape Bridgewater Holiday Camp service prior to commission of RCM on 21 August 1991

- 50 It is not known exactly what information was imparted to Mr Smith concerning the problem of congestion in the Cape Bridgewater area prior to the commission of the RCM at Cape Bridgewater on 21 August 1991. It is also not clear from the available documentation exactly how conscious Telecom was that congestion was a problem in this area prior to the arrival of the RCM. Apart from a record of the continuing reports of congestion from Mr Smith there is no available file evidence that congestion was a problem in the area, although Mr Smith's reports alone are sufficient indication that this problem existed. There are 4 LEOPARD fault reports which remain in existence prior to the installation of the RCM, records being unavailable prior to 27 June 1991, but these records relate to either NRR, No Dial Tone or No Progress, which are unlikely to have been caused by the congestion problem.
- 51 The available documentation indicates that apart from the period immediately prior to the commission of the RCM Mr Smith's complaints were treated as either customer equipment or exchange faults - and not a problem of insufficient line capacity. On 20 June 1992 Mr Smith wrote to the Manager - Customer Services Hamilton and outlined the history of his problems

Due to constant complaints that "Your phone is always busy!" Telecom technicians (during the first three years) came out to the Centre so many times that I lost count. A new "Alarm System" was fitted outside the Office to ensure that I heard all in-coming calls. Then again, through frustration, new wiring was installed inside and outside both the Office and main kitchen, so that nothing was left to chance . . . but the complaints still continued."

It was explained to me that there were only a limited number of lines available , as we were on a sub-station, and , when those

lines were busy, anyone ringing the Holiday Camp would get an "Engaged Signal".³¹

- 52 It should be noted that the "new wiring" was installed at the Cape Bridgewater Holiday Camp in approximately May 1991.
- 53 A file note entitled "267 267 - A. Smith Incoming congestion", which was apparently written shortly before 18 March 1991 notes some details of Mr Smith's complaint. This document appears to originate from the local Telecom region. The note of the complaint from Mr Smith reads:
- NO incoming calls for 3-4 days engaged signal to incoming calls. Straight line phone. - Tech's unable to fix so far. Complaining re loss of revenue. Advised re new Exchange. Advised Techs would follow up with him and we would contact customers to see if they are experiencing same problem.*
- 54 (It should be noted that although there is a difference between an engaged tone and a congestion tone many callers confuse the two signals. It is clear from the heading of the document that the author was treating Mr Smith's complaint of "busy when not" as probable congestion.)
- 55 AUSTEL has not viewed any document which refers to contact made with other Cape Bridgewater customers on the congestion problem, if such a document exists. It is clear that the author of this document was not aware of a congestion problem in the area, which is why the author states he will be contacting other subscribers in the area to see if they are experiencing this problem. There seems to be an implicit assumption, however, that if there are congestion problems they will be resolved by the "new Exchange."
- 56 It seems that Telecom's local regional analysis of the congestion issue may not have progressed much by mid August 1991. Again Mr Smith has lodged a complaint which could relate to congestion:

³¹ 000006