

AUSTEL
Alan Smith
Draft Report
Part 1



**Australian Communications
and Media Authority**

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Our ref: AD2007/344
19 November 2007

Mr Alan Smith
Seal Cove Guest House
1703 Blowholes Road
Cape Bridgewater
PORTLAND VIC 3305

Dear Mr Smith

Your request under the *Freedom of Information Act 1982*

I enclose a copy of the decision on your request for access to documents (your request) under the *Freedom of Information Act 1982* (the Act) dated 17 September 2007.

Please contact me on 03 9963 6728 or via email at melissa.siah@acma.gov.au if you have any questions in this regard.

Yours sincerely



Melissa Siah
Lawyer

Encls.

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NOTICE OF DECISION
FREEDOM OF INFORMATION ACT 1982

Applicant: Alan Smith

File reference: AD2007/344

Decision-maker: Paul White
Executive Manager, Industry Performance Branch

Type of request: Request for access to documents

Decision: Release in full copies of documents 1-35 in the attached Schedule.
Refuse access to all documents in the file Y2001/981 under section 24A.

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- 1 Draft contains footnotes
- 2 Copy of Word file entitled "Smith Draft as of 3/3/94" has been placed in my COT folder on the Consumer Affairs Server - please use this for updates
- 3 75% of draft is my work - 25% Jack and Robyn's (mainly chronology and pages 60 to 69)
- 4 Draft needs to be read by technical person.
- 5 I have deliberately stopped short of making conclusions in many sections, and have hopefully left the text to speak for itself
- 6 Due to time constraints this draft probably does not adequately convey the amount of time and effort invested by Telecom in attending to Smith's problems.
- 7 Draft does not include many details on testimonials by people trying to contact Cape Bridgewater.
- 8 I have not had the opportunity to view all the Smith documentation. Not all of Smith's documentation was photocopied by others working on his case, and when I went visited Telecom to view Smith's documentation it was disordered as a result of Telecom's handling of FOI. I copied all the relevant documents that were then provided to me. It has subsequently become clear to me that at least a few important documents are missing from the Commercial Vic/Tas file - whether by chance or deliberate removal I cannot be certain.
- 9 Even at this late stage I still think a survey of some Cape Bridgewater residents of past problems they have experienced would be a worthwhile exercise if time was available.

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MR ALAN SMITH - Cape Bridgewater Holiday Camp**General Outline**

Mr Alan Smith is the owner of the Cape Bridgewater Holiday Camp. His business is a holiday camp and convention centre. The camp is located on the Victorian coast about 18 kilometres west of Portland, 1 kilometres west of Melbourne.

Complaint of Service

- 2 Mr Smith acquired the camp in February 1988 and claims to have had very significant telephone problems commencing from that time. They have varied in incidence and although the current level of service is said to be much improved, Mr Smith maintains that problems continue to exist.
- 3 The range of problems reported by Mr Smith relate to incoming calls and can be summarised as follows -
 - Not Receiving Ring
 - Recorded Voice Announcement
 - Call Drop Out
 - Busy When Not
 - Single Bursts of Ring (Facsimile Noise)
- 4 The phone problems are claimed to have had a major impact upon the financial viability of the camp because -
 - callers have not been able to make contact with the camp, sometimes for days at a time, because of the Not Receiving Ring problem and accordingly have ceased to attempt to contact the camp: the nature of the business results in callers often making a booking on behalf of 20-30 persons

¹check distance - in Smith advertisil

- the Recorded Voice Announcement advising the number is no longer connected obviously gives the impression that the camp has ceased to function
- inability to contact the camp is of particular importance because the bulk of its business has involved repeat bookings and thus unless the party makes the booking and gets to the camp, business for future periods is also forfeited
- a proportion of business has involved schools, special educational facilities and hospital patients who had become wary of using the camp because of the difficulty they had experienced in contacting it and because of the necessity to be contactable themselves when at the camp

5 The camp currently has the following telephone services -

- 055 267267 - for incoming calls
- 055 267230 - used for outgoing calls and facsimile
- 055 267260 - Goldphone, for use by camp visitors
- 008 number (008 816522) which translates to the 055 267267 number

Service Technology Characteristics

6 A Telecom Minute from a regional Manager dated 5 October 1992 provides background to the service changes which have occurred at Cape Bridgewater Holiday Camp:

Mr Smith has had an ongoing complaint about his level of service for some time.....Customer was originally connected to an old RAX exchange, which had limited junctions between Portland and Cape Bridgewater. Thus congestion was a problem for all customers on the Cape B'water exchange. The exchange was upgraded to an RCM and parented back to the Portland AXE 104.²

² 581 - Mark Ross to Corporate Secretary

- 7 In effect, prior to the upgrade to the RCM (digital remote customer multiplexer), there were only 5 lines from Portland to the Cape Bridgewater area. Thus if all 5 lines were busy callers received congestion tone. The RCM had the effect of increasing the line capacity in the Cape Bridgewater area so that a line was available to each service. Despite the relocation to new digital technology Mr Smith continued to complain of and report problems. This does appear to raise the question of whether new technology was introduced prior to the proper preparation of local staff to support it.
- 8 Telecom's attempts to resolve Mr Smith's problems included the following activities:
- replacement of his customer equipment on a number of occasions
 - rewiring of parts of his premises
 - fitting of an alarm bell on more than one occasion
 - generation of thousands of test calls from various locations to his premises or to his local RCM exchange
 - examination of a range of exchange components involved in providing a service to the Cape Bridgewater Holiday Camp
 - line testing
- 9 During the past five years Mr Smith has received many testimonials from other network users such as community groups, health and welfare agencies, schools and individuals which have advised of continuing difficulties in contacting the camp. These statements support Mr Smith's claims of service problems of Mr Smith.

Comparative Uniqueness of Cape Bridgewater Holiday Camp Service

- 10 An important point in relation to Mr Smith's service is that he is operating a business service in an area which is predominantly that of

a residential and/or farming community. Therefore both the nature, volume and origin of calls received by Mr Smith in comparison with those of his neighbours would be markedly different. Mr Smith would receive significantly more calls than his neighbours, with a higher percentage of these being STD calls from a wide range of origins and the majority of his calls would be business inquiries concerning the Cape Bridgewater Holiday Camp.

- 11 Often calls to the Cape Bridgewater Holiday Camp would be from people previously unknown to Mr Smith, who in comparison to other callers to Cape Bridgewater would be less likely to initiate further contact should they have difficulty in contacting the Camp. In addition, a number of services in the area are provided to holiday homes from which few complaints would be expected to originate. Mr Smith maintains that approximately one third of houses in the area are holiday houses.
- 12 Another factor which distinguishes the Cape Bridgewater Holiday Camp service from other Cape Bridgewater services is that Mr Smith receives a significant number of calls during business hours. Mr Smith maintains that there are only two people in the area who are normally home during the day. It should be noted that service problems may manifest differently during different periods of the day.
- 13 If problems were found with calls made to the Cape Bridgewater area, it is logical that Mr Smith would be the most likely subscriber to experience and report these. Furthermore, if there was a problem in providing calls from the wider network to the Cape Bridgewater region it is possible that Mr Smith may be the only subscriber in the area experiencing significant problems. Any meaningful assessment of Mr Smith's problems and fault statistics from Cape Bridgewater subscribers was required to take these factors into account.

Chronology of Significant Events

April 1988

Alan Smith purchases the Cape Bridgewater
Holiday Camp

- 5 March 1991 As a consequence of complaints of NRR from Mr Smith, Telecom surveys customers in Cape Bridgewater area to see if they are also experiencing the NRR problem. Of the 9 people who respond to the survey 4 say they have experienced the problem - one of those surveyed identifies 2 additional subscribers in the Cape Bridgewater area experiencing NRR.
- May 1991
(approx) New wiring installed inside and outside office and main kitchen at Cape Bridgewater Holiday Camp. Rented telephone equipment replaced.³
- 27 June 1991 Telecom LEOPARD record of complaint from Cape Bridgewater - Intermittently No Progress. Mr Smith is subsequently informed that no LEOPARD fault reports remain in existence prior to this data due to a failure by Telecom to retain these records.
- 28 June 1991 Telecom LEOPARD record of complaint from Cape Bridgewater - No Dial Tone. Fault is "found in old exchange."
- 18 July 1991 Telecom LEOPARD record of complaint from Cape Bridgewater - Not Receiving Ring and no Dial Tone - Repair Details - "Customer phone replaced."⁴
- 5 August 1991 Telecom LEOPARD record of complaint from Cape Bridgewater - Not Receiving Ring - Repair Details - "Right when tested - No fault evident."

³ Why was this done if congestion was known to be a problem in the area and other people were known to be experiencing NRR?

⁴ Again why was this done if NRR was known to be a problem in the area.

- 15 August 1991 Telecom file note. Discusses Mr Smith's complaints of False Busy - the author tells Mr Smith that the problem is probably in the old exchange and that the upcoming service upgrade to an RCM (digital remote customer multiplexer) will solve this problem. The author notes that analysis on 14 August 91 has indicated congestion on Cape Bridgewater lines. "RCM will fix this problem."⁵
- 21 August 1991 Telephone service connected to AXE technology. Connected to RCM off the Portland AXE 104. At time of changeover a faulty final selector was detected in the previous (RAX) exchange.
- 9 October 1991 Telecom LEOPARD record of complaint from Cape Bridgewater - Not Receiving Ring - Repair Details "No fault found in customer equipment."⁶

⁵ Excessive faith was held in the capacity of the RCM to solve Mr Smith's problems - which is an indication that the knowledge that congestion to this area was well known.

⁶ So RCM apparently did not solve NRR problem - numerous LEOPARD reports after this date.

19 March 1992

Following reports of the following RVA "This number is disconnected" from other network users, a fault was identified in the Windsor Digital Trunk Terminal. Telecom documents indicate it was considered the RVA fault was cleared at this time. The fault was that the customer's number was not included in the data base.⁷ Telecom documents reveal that this problem would have resulted in the RVA. This fault would have affected approximately 50% of incoming STD calls from Melbourne to Cape Bridgewater.⁸

Telecom maintain that this RVA problem has existed for three weeks prior to this date, however Mr Smith claims that the camp has experienced the RVA for the preceding nine months. Testimonials from other network users support Mr Smith's claim that the camp experienced the RVA problem for a number of months prior to March 1993.⁹

25 March 1992

Caller from Greyhound Terminal at Franklin St Melbourne reports getting RVA 3 out of 4 calls when calling Cape Bridgewater.

2 July 1992

Internal Telecom Minute reveals that local technicians believe that Mr Smith is correct in raising complaints about incoming callers to his number receiving a RVA and believe it is a problem that is occurring in with numbers as more and more customers are connected to AXE.¹⁰

⁷ Or correctly programmed in the database - need clarification of this.

⁸ 50% of all calls via STD? - 50% of all calls via Melb? - need clarification

⁹ need to identify these testimonials before this goes out.