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Telecommunications Industry Ombudsman
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Your reference 04/111162-1 - Ingram

Dear Andrea,

I refer to your letter of 23 March and our telephone conversation on 7 April. As discussed, I have to date had no response whatsoever from AAPT regarding the issues I raised in my letter of 8 October. The first written communication I have seen from them was their letter to you dated 24 January, the first three pages of which you attached to your letter. In particular, your letter was the first where I saw any mention of a statutory declaration, and I most certainly did not at any point refuse to provide such a declaration: indeed, though I see no legal requirement, I am prepared to do so.

Despite this state of affairs, despite assurances to the contrary, and despite two separate letters from me on the subject asking for an explanation, AAPT has not delivered an explanation, and in contravention of the terms of mediation has forwarded a disputed sum to a collection agency. I am attaching copies of the bills and the (one-sided) correspondence. They show that I discussed this particular issue with you on the phone at 14:00 CST on 4 January 2005, immediately after speaking with Matt at AAPT. At this point you told me that formal investigations had been started on 24 December.

In this matter I have spoken to Lorraine of Baycorp Advantage and told her that you recommend that I do not pay this sum. She has noted that this sum is under dispute and has noted the date of 21 April for resolution.

To your letter of 23 March: you list a number of the complaints I had against AAPT. To clarify some of these points:

- To the best of my current recollection, the company with whom I dealt initially was called "Be Smart", and the supervisor's name was Tom Bell. I did not write these names down, and I could be mistaken, but this information may help identify the people involved.
- The long distance service in question was in my wife's name. As I wrote on 8 October,

this service was in the name of my wife, so neither you nor I had any authority to change it.

- You do not include one of the issues of my letter of 8 October:

This matter has caused a considerable amount of work, which I can well do without. I am not prepared to waste any more time on it.

This was my main concern, and situation has greatly worsened.

You then summarize AAPT's viewpoint. The main contradictions I see here are:

1. I stated that I had to make five voice recordings, one for each line. AAPT says that it was four. AAPT is incorrect. For reasons that I do not understand, four lines (8388 8286, 8388 8725, 8388 8726 and 8388 8730) were put on one account (27689545), and the other number (8388 8250) was placed on a separate account (27665914). This fifth line is of particular significance, because it is the subject of more annoyance than the other four put together. I'll go into more details below.
2. I accepted a rate called "Full Service Smartchat Anytime". The fact that I accepted a particular marketing name means nothing, since at this point I had only the salesman's word as to what this meant: I was told that it meant a 30% discount across the board.

AAPT's letter of 24 January 2005

As I mentioned, I have not had any direct written reply from AAPT whatsoever. Until I received your letter, I had not seen this letter. It contains some information about the structure of the bill which goes some way towards addressing one of my issues in the letter of 8 October 2004. Nevertheless they have not communicated this information to me directly.

If AAPT's records do not indicate that I contacted AAPT before the letter of 8 October, then their records are faulty. As indicated in that letter, I first called up their telephone service line and spoke to Simone, who refused to help. This was the reason I wrote the letter.

This lack of records is one of the reasons I refuse to consider anything discussed with them on the phone to be in any way binding: they obviously do not. I have a number of examples of

AAPT mentions the term "full service" several times. This is a meaningless term unless exactly and clearly defined. The only service I had on that line was for the local services: I did not have a long-distance service, which was in the name of my wife.

AAPT has not addressed a significant proportion of my correspondence with them, notably the letters of 22 December 2004 and 4 January 2005, both of which specifically mentioned this complaint. I am attaching copies of these letters, though I believe that you have a copy at least of the first one. This is the "fifth line" issue:

The fifth line

For reasons I do not understand, but which appear to be above-average incompetence even by AAPT's standards, they opened a separate account (27665914) for phone number 8388 8250. It is beyond my powers to determine whether or not they actually supplied any service for this line; however Telstra continued to send bills for it, and I paid them. From my perspective, there appears to have been no change of provider. I did not receive

any bill from AAPT for some time. In my letter of 22 December, I wrote:

It is completely beyond my understanding why you should think that you are supplying these services. I call upon you to:

- Confirm that this is a mistake and that no charges are due for this number.
- Confirm that under no circumstances will you attempt to have any service on this number disconnected.
- Explain how this mistake occurred.

Please supply all these statements in writing by 29 December 2004. If you do not do so, I will make a further complaint to the TIO. If by this time no progress has occurred with my existing complaint, I will signify this matter to them as well.

This letter remained unanswered, of course, and it was the basis of my second complaint of 30 December. On 4 January 2005 I called AAPT and spoke to Matt (at 13:45), who told me that no further action would be taken. Based on my mistrust of AAPT, I then called you (at 14:00) and discussed the matter with you, expressing their concern that, although they did not supply this service, they might have it disconnected anyway. I then wrote:

Today I received a notice of demand for the contested bill. I called your service number and was connected with Matt, who told me that you would not be taking any action on this notice. In view of your previous reversal of statements given on the phone, please confirm this in writing by CoB Friday, 7 January 2005.

I would remind you that there are still two letters for which I require a written reply. A second complaint was sent to the TIO on 30 December 2004.

Their subsequent behaviour completely bears out this distrust: instead of addressing the issue, they turned it over to their collection company.

None of this addresses the biggest problem that AAPT have caused me: I have spent about 12 hours on this matter, which was imposed on me by fraudulent practices. The fraudulent practices in themselves would not have been a big problem: it's AAPT's boundless incompetence and possibly ill-will that have caused these problems.

Regards

Greg Lehey