

## Preliminary View – 13 October 2021

### (De-identified for publication)

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My Preliminary View is that the Telco should pay the Consumer CSG compensation of \$1,133.32.

The reasons for my preliminary view are:

- The CSG Standard applies to this complaint
- The Telco did not meet the mandatory connection timeframe
- The Consumer told the Telco their services were not connected
- The Consumer did not work with the Telco to troubleshoot the connection

The Preliminary View is what I believe to be a fair and reasonable outcome, having regard to:

- relevant laws (based on my view of what a Court would be likely to find in all the circumstances), and
  - good practice, including industry guidelines.
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## 1 Background

On 4 April 2020, the Consumer asked the Telco to connect the landline and internet services at their address.

## 2 The complaint and the Telco's response

The complaint is about a delay in connecting the services.

The Consumer says the Telco did not connect the services until 10 June 2020.

The Telco says it connected the services on 17 April 2020 by providing the Consumer with a modem capable of providing a Voice over Internet Protocol (VoIP) service.

## 3 The recommended outcome and the parties' responses

The Telecommunications Industry Ombudsman issued a recommended outcome that found the Telco should pay the Consumer \$1,805.32 because:

- the CSG Standard applies to this complaint
- the Telco failed to meet the mandatory timeframe for connections
- under the CSG Standard, the compensation payable for the delay is \$1,805.32
- the Telco did not charge for the services before they were connected in June 2020

The Consumer accepted the recommended outcome.

The Telco rejected the recommended outcome because:

- the Consumer chose to self-install the modem
- the Telco gave the consumer instructions to connect the modem
- the Consumer did not report a fault with the landline service

## 4 Reasons

The reasons for my preliminary view are:

- the CSG Standard applies to this complaint
- the Telco did not meet the mandatory connection timeframe
- the Consumer told the Telco their services were not connected
- the Consumer did not work with the Telco to troubleshoot the connection
- the Telco should pay CSG compensation of \$1,133.32

### 4.1 The CSG Standard applies to this complaint

I am satisfied the Telecommunications Customer Service Guarantee (CSG) Standard

applies to this complaint. The Consumer's complaint is about a delay in the connection of their services, which included a landline telephone service.

The CSG Standard is a Standard created and regulated by the Australian Communications & Media Authority that provides for financial compensation to be paid to consumers affected by delays in connecting or repairing faults with landline telephone services and missed appointments.

## **4.2 The Telco did not meet the mandatory connection timeframe**

I am satisfied the Telco did not meet the mandatory timeframe for connecting the Consumer's service under the CSG Standard.

Section 8(1) of the CSG Standard says the Telco must connect a telephone service within five business days of a consumer asking for a service if the site is readily accessible to infrastructure, and is an urban centre with a population equal to or greater than 10,000 people.

On 4 April 2020, the Consumer asked the Telco to connect a landline and internet service. The mandatory connection date was five business days from 4 April 2020. Public holidays fell on 10 April and 13 April 2020, so five business days from 4 April 2020 was 14 April 2020.

The Telco says it connected the service on 17 April 2020 when it supplied a modem capable of providing a Voice over Internet Protocol (VoIP) service (the modem).

The modem has a built-in, pre-activated SIM that connects to the Telco's mobile network when it is plugged in. I accept the modem is capable of providing access to a standard telephone service.

However, I am not satisfied the modem did provide telephone services in this case. This is because the Consumer told the Telco their services were not connected.

## **4.3 The Consumer told the Telco their services were not connected**

The information available to me supports a conclusion that the Consumer told the Telco their services were not connected.

The Telco's records show the modem was delivered on 17 April 2020 and connected on the same day.

However, the Consumer reported difficulty connecting with the modem on multiple occasions.

The Telco acknowledges that the Consumer reported internet issues on three occasions between 16 April 2020 and 21 April 2020, and on six occasions between 4 May and 18 May 2020, and again on 5 June 2020. But the Telco says the CSG Standard does not apply because its records show the Consumer reported internet faults, and the CSG Standard only applies to landline faults.

The Consumer has provided text exchanges between them and the Telco's

representatives between 20 April 2020 and 19 May 2020 which shows that they were reporting ongoing inability to connect to the landline service as well as the internet service. I have set out a table of these text messages in Appendix 1.

Most relevantly, on 20 April 2020, the Consumer told the Telco that their service wasn't connected and the Telco said it would push the order to complete. During this text exchange, the Telco did not suggest the service was already connected with the modem.

On 21 April 2020, the Telco told the Consumer the service 'should have' been working already.

Both the Telco's records and the text messages show that over the next few weeks, the Consumer regularly contacted the Telco to say the services had still not been connected. They referred to both the phone and internet in their text messages, although the Telco's records only show a reference to the internet. In my view, given the landline service operated through the internet service supplied by the modem, and the Consumer had informed the Telco that the modem had never provided internet connectivity, the Telco was on notice that the landline was not working, either.

On 15 May 2020, the Consumer sent a message to the Telco that they had no internet or phone, and it had been seven weeks. They sent a similar message on 18 May 2020. The Telco responded on 19 May 2020 with: *"Due to ongoing staff shortages related to COVID-19, delays are inevitable. Unfortunately, our Team is not Nfational Broadband Network trained yet. For the meantime, what are you using for internet? Dongle? Mobile data? Please reply because I can give credit to that device".*

The Consumer responded that the lack of a phone connection was more urgent, and the Telco advised them to use their mobile phone instead for making calls.

In forming a view about what happened in a particular case, the TIO considers the competing claims of the parties and any supporting information that they provide. We make decisions on the balance of probabilities.

There is a conflict in the information provided by the Consumer and the Telco in relation to whether the Consumer reported a fault with their telephone service.

In this case, I have given more weight to the Consumer's text messages, as they are a complete record of the information they provided to the Telco, rather than a summary made by the Telco's representative.

As a result, I am satisfied the Consumer did report their landline was not working.

#### **4.4 The Consumer did not work with the Telco to troubleshoot the connection**

According to the Telco's notes it contacted the Consumer on 20 May and 21 May 2020. On each occasion, the Telco's records show the Consumer said they were busy, and asked the Telco to call back.

I am satisfied that from 20 May 2021, the delay was caused by the Consumer not working with the Telco to troubleshoot the connection.

#### **4.5 The Telco should pay CSG compensation of \$1,133.32**

I am satisfied the Telco should pay CSG compensation of \$1,133.32 for the period 14 April 2020 until 20 May 2020.

Table 1 shows the calculation of the compensation payable of \$1,133.32, based on a total of 28 business days.

Table 1: Calculation of compensation under the CSG Standard

Period	# days	\$ per day	\$ payable
14 April – 20 April 2020	5	\$14.52	\$78.20
21 April – 20 May 2020	23	\$48.40	\$1,113.20
Credit already applied to the Consumer's account			-\$58.08
Total			\$1,133.32

Louise Halliday

Adjudicator

Telecommunications Industry Ombudsman

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## Appendix A

### Text messages between the Consumer and Telco

Date	Message
20 April 2020	<p>T: I can see that the equipment has been dispatched for yourself</p> <p>C: Yes, I have received it but it is not connected from T side. I was advised on Friday that it could take up to 72 hrs and as of this morning it is still not connected</p> <p>T: Okay, so we just need to push the order to complete in that case.</p> <p>No worries, I'll do that for you</p> <p>...</p> <p>C: Once that is done can you please check the connection.</p> <p>...</p> <p>T: It'll take me about 10 minutes to submit the relevant forms XXXXXXXX as the reference</p> <p>C: has it been tested now?</p> <p>T: Our team will do the testing over the next 24 hours</p> <p>C: Who are the team? Can it be done as soon as possible as this order was placed on ***** and I keep getting told different departments and people have to look at it and that has been since ****</p> <p>T: Of course, this is why I've escalated the order for yourself such that it can be completed ASAP for yourself</p> <p>C: Can it be confirmed today please. I do not want to have to talk to someone else tomorrow if it still isn't working</p> <p>...</p> <p>C: It still isn't working</p> <p>T: Hi my name is ****, I read your previous messages and I've seen the other representative already processed an urgent request to fix the issue. Please expect on the delay of the service due to high volume of request. Rest assured it has been escalated to the right team to take action on it. Please do understand.</p> <p>C: Can I please talk to a manager. I have been dealing with this since 25.3</p>
21 April 2020	<p>T: Good Day My Name is **** from Faults Is there anything I can help u more about ur issue?</p> <p>C: The National Broadband Network is not connected from T's end. I was told yesterday it would be tested over the next 24 hrs. Can you confirm if it is now working.</p> <p>T: Thanks for the info. I will go ahead and check this for you.</p> <p>C: Are you part of the team?</p>

	<p>T: I need to check first if their a ticket to escalate further ur [sic] problem</p> <p>....</p> <p>T: If u received the modem and connected it should worked now. It was already completed by the Wholesaler</p> <p>C: Thank you I will check it soon. Can you confirm what time it was completed?</p> <p>...</p> <p>T: Ur service is connected. Just check when ur able.</p> <p>C: Did it just get connected today?</p> <p>T: According to the Wholesaler it was connected since *****</p> <p>C: I was told over the phone on Friday last week that it wasn't connected on P's end and the connections team said it would take 72hrs to sort. Can you please explain how it can now say it is connected from *****</p> <p>T: the reference ticket u've provided will be completed within 3 days. But if ur service already connected by the Wholesaler at lea tur [sic] back up modem should be working</p>
15 May 2020	<p>C: I have no internet or phone been 7 weeks</p> <p>T: Checking</p> <p>C: Due to ongoing staff shortages related to COVID-19, delays are inevitable. Please expect a call from your Broadband Case Manager in 2-5 business days. Unfortunately, our Team is not National Broadband Network trained yet. For the meantime, what are you using for internet? Please reply because I can give credit to that device.</p>
18 May 2020	<p>C: Hi, can I please have an update about when my Broadband and home phone will be connected I have been waiting for Broadband and home phone to be connected for over 7 weeks.</p>
19 May 2020	<p>T: Due to ongoing staff shortages related to COVID-19, delays are inevitable. Unfortunately, our Team is not National Broadband Network trained yet. For the meantime, what are you using for internet? Dongle? Mobile data? Please reply because I can give credit to that device.</p> <p>C: The more urgent issue is having no phone connected</p> <p>T: Please use your Mobile for calling for the meantime. Is your mobile with us? Because I can waive its whole month's bill</p> <p>C: Hi I still have not been contacted by the complaints case manager. Can I please be provided with a timeline of when</p>



	<p>my broadband and home phone will be connected. I have been waiting since *****. I need this connected now</p> <p>C: It is very difficult having no broadband and as a result no home phone</p>
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