

Mr Kevin Russell, CEO
Hutchinson 3G UK Ltd
Star House
20 Grenfell Road
Maidenhead
Berkshire SL6 1EH

Ms Noëlle Rawé
[]
[]
[]

1 (By 'Special Delivery – Next day')

2 8 December 2008

3 Dear Mr Russell

4 **PORT AUTHORISATION CODE FOR MOBILE [3<] REQUIRED BY RETURN OF POST**

5 This is the primary reason for my resorting to contacting you.

6 The other, less pressing, is to get an explanation for the way I have been treated by your 'Customer
7 Services' department.

8 **1 Text messages**

9 In the course of a five-week period, I received the following automated text messages from your
10 company, in each instance stating the sender as "Message Centre +447782000800".

11 • 11 August 2008 – 15:19:25 - "From 3: In one month's time **your 3SIM won't work in this**
12 **mobile**. Pop into a 3Store to discuss the best options for you to continue to use the 3PAYG
13 service"

14 • 3 September 2008 – 15:15:46 - "From 3: In 15 days time your 3SIM won't work in this mobile"
15 Rest: as per above

16 • 9 September 2008 – 14:42:25 - "From 3: In 9 days time your 3SIM won't work in this mobile"
17 Rest: ditto

18 • 17 September 2008 – 15:12:30 - "From 3: In 2 days time your 3SIM won't work in this mobile"
19 Rest: ditto

20 **2 Events from the beginning of September 2008**

21 At the beginning of September, I went to your store, on Oxford Street, across from Selfridges, and
22 showed the first two above messages I had received by then. I was told that I needed a 3G phone.

23 Having looked around, and saying that none of the phones met my criteria, it was suggested that I wait
24 until the following week as "there might be some new ones in"

25 On returning to the same store the following week, I still could not find a phone that met my criteria.

26 On 12 September 2008, I obtained a 3G phone not linked to any network and placed my 3 SIM card in
27 the phone. It worked.

28 By c. mid October 2008 I discovered that I could not use the phone to access my voicemail. This took
29 place as a result of receiving a text from 3 that messages had been left on my voicemail. (This text
30 message has been removed from my phone).

31 On Thursday 23 October 2008, I returned to the same 3 store on Oxford Street. Initially, I was told that I
32 needed to change the SIM card. I replied that the only thing that had been communicated to me – to date
33 - in the text messages, as well as during my previous visit to the store, was the need to get a 3G phone –
34 which I had done. Nothing had been said to me about the need to also change the SIM card.

35 I was also told that the phone had to be a 3G phone from 3. I replied that:

1 (i) when I moved to the 3 network at end August 2007, I kept the phone I had been using with the
2 previous mobile phone service provider. There was no requirement for me to buy a 3 phone. Had
3 there been: I would have gone somewhere else.

4 (ii) none of the other mobile phone network providers impose this requirement, and that to do so
5 must surely be against competition rules as it limits consumers to mobile phone manufacturers
6 with which 3 has an arrangement, including selected models - not to mention force them to buy
7 another phone (if they are moving from another network).

8 It was suggested that I phone the customer service helpline. Having pointed out that I obviously could not
9 do it from my phone, I was offered to use the phone in the store. When I finally reached a 'Customer
10 Services' individual, having spent time answering his various questions, I asked to be supplied with a
11 replacement SIM card for my 3G phone. In reply to the question as to whether my phone was "a 3
12 phone", I said that it was not, and that I had just obtained one – not tied to any network. Therefore, I had
13 no intention of buying a 3 phone. At this point, the line was cut off.

14 Yet again, I went through the process of the several 'if this', 'press that', 'if that', 'press this' and, when I
15 reached a 'Customer Services' individual, the follow-on sequence of events was a blue print of the first
16 call, terminating with the line being cut off when I said that I was not prepared to buy a 3 phone.

17 I explained what had happened to one of the shop assistants. She dialled a number and put me through.
18 Having repeated that I was not prepared to buy a 3 phone, I was told that a 3G SIM card would be sent
19 to me, but that "*it might not work / might only work for a few days*". In reply to my question as to when I
20 could expect the new SIM card, I was told in the next 48-72 hours. It meant that, at the latest, I would
21 receive the card by Monday 27 October 2008.

22 By Wednesday 29 October, I still had not received the SIM card. This, added to my experience in the
23 store the previous week, led me to decide to move to another mobile phone network provider.

24 While a PAC code can be obtained by phone, to avoid, yet another repeat of having the phone slammed
25 in my face after spending several minutes going through the various loops, I opted to communicate my
26 decision in the enclosed ('Special Delivery – Next Day') letter of 29 October 2008 ¹ to your 'Customer
27 Services' Department, Glasgow.

28 As can be seen, in this letter, I ask to be supplied with the PAC code "*so that I can transfer my phone to
29 another network*"

30 Of note, on the day my letter was delivered, Thursday 30 October 2008, I still had not received the SIM
31 card i.e. seven days after being told that it would take "*at most three days*"...and it was going to take
32 another nine days before I receive it.

33 The enclosed is the 4 November 2008 ² reply from your 'Customer Services' department. (NB: the black
34 stains scattered all the way down the left-hand margin are on the original letter). Among others, it states:

35 *"We did send you a message on 12 August and again a reminder message on
36 16 September informing you that we'll suspend your services. We
37 suspended your services due to the reason that you are using a 2G Sim
38 card in a 2G phone".*

39 This is **not** what the above, identical messages state. Indeed, they state "***your 3SIM won't work in this
40 mobile***". In other words: "You need another mobile phone for your 3 SIM card to work".

41 *"Also according to 3's terms & conditions we allow usage of our Sim in
42 phones which are enabled for 3 Services and are authorised by us for
43 connection to the 3 network"*

44 1. As explained earlier on, when I switched to your network, there was no requirement for me to buy a 3
45 phone – and I did not.

¹ My 29 October 2008 letter to 3 Customer Services

² 4 November 2008 letter from 3 Customer Services

1 2. My new 3G phone initially worked with the 3 SIM card. And, I am glad to report that it works with the
2 SIM card of other mobile phone providers.

3 *"This will also help you to avoid any serious damage to your phone"*

4 I must look on the European Union's Telecoms Commissioner's website to see if it warns about this risk.

5 (NB: I became aware of this Commissioner through the 27 April 2008 article in the Mail on Sunday,
6 headed: *"Minister in 'cahoots with mobile phone firms on price fixing"*).

7 The Commissioner, Viviane Reding, is quoted as saying that *"she warned Margaret Hodge, Culture
8 Minister, that the British people would be 'very upset indeed ...if they found out what was happening
9 behind closed doors"*).

10 *"As of today you have £41.25 cash credit available on your account"*

11 Being my phone, I am aware of the amount of credit – and highlight the amount, I had very recently
12 topped-up by £30.00 - as an indication that I intended to remain with 3.

13 *"A port authorisation code (PAC) is valid for 30 days from the date we
14 issue it for you. Once you use this PAC you loose (sic) the credit
15 available on your account. We surely want you to use the cash credit
16 you've added to your account."*

17 *So in the light (sic) of the above reason I've haven't (sic) issued you a
18 PAC and have arranged to unsuspend your services. As soon as we
19 activate your services we'll send you a replacement Sim card which you
20 can use it (sic) in a 3 phone and use the credit on your account"*

21 Two weeks prior to this 4 November 2008 letter, on 23 October 2008, the new SIM card was promised to
22 me *"at the latest by 27 October"*. Why wasn't it sent?

23 In spite of making it crystal clear:

- 24 a. on the phone to 'Customer Services' that I am not prepared to buy a 3 phone and,
25 b. in my 29 October 2008 letter, that I require the *"PAC code in order to transfer my phone to
26 another network provider"*
27 c. you nonetheless expect me to purchase *"a 3 phone"* in order to *"use the credit on
28 [my] account"*

29 *"I'm sorry about the misinformation given to you at a 3 store"*.

30 This comment proves that what I communicated during my telephone conversation of 23 October 2008
31 had been noted.

32 And, very clearly, so had the fact that I said that I did not have a 3 phone, and had no intention of buying
33 one – as can be seen in the above paragraph : *"...we'll send you a replacement Sim card
34 which you can use it (sic) in a 3 phone..."* Why emphasise *"in a 3 phone..."*?

35 *"It will take us three days to activate your services and three days to
36 send you a replacement Sim card"*

37 Why was the SIM card not sent to me as promised by 27 October 2008?

38 (I note from the enclosed 6 November 2008 ³ letter sent with the SIM card that: *"As this is a
39 replacement SIM, it can take up to 48 hours to work"* Hence: not 72 hours)

40 *"We'd be happy to continue our customs with you"*

³ 6 November 2008 letter from 3 sent with the SIM card

1 You may find people prepared to accept your "customs". I am not.

2 *"If you're still unhappy and want a PAC please call us or write to us*
3 *and we'll get this arranged for you"*

4 In spite of my bad experience when I phoned from the store, I nonetheless opted to phone 'Customer
5 Services' on Friday 7 November 2008, saying that, in spite of the credit that I had, I wanted my PAC
6 code number in order to immediately move to another network.

7 When asked for the number of the SIM card, I replied that more than two weeks had gone by since my
8 visit to the store when I spoke to 'Customer Services' - and I still had not received it.

9 The reply was *"I can't give you the PAC code number because you have not received the SIM card"*. I
10 repeat my question: why was the SIM card not supplied to me, as promised, *"at the latest by 29*
11 *October"*?

12 I received the SIM card the following day, Saturday 8 November 2008. As can be seen in the enclosed
13 Delivery Note ⁴ it was issued on 6 November 2008.

14 On that day i.e. Saturday 8 November, I yet again phoned 'Customer Services'. This time, another
15 excuse: *"I can't give you the PAC code because the SIM card has not been cleared. I will phone you on*
16 *Monday to let you know if it is cleared or not"*.

17 When I challenged this latest excuse saying that, in light of the fact that the employee had just been
18 *"retrieving my details"* for the purpose of the call, he obviously had access to the system, he replied *"The*
19 *office is closed on Saturday. It can only be done during week days"*.

20 Having first insisted that he needed to phone me on "[my] 3 number" (unbelievable given that the service
21 had been suspended), he finally noted my other mobile number.

22 On Monday 10 November 2008, a 3 employee phoned me to say that *"There is a problem with the*
23 *system. I can't give you the PAC code. I will contact you in the next 48 hours"* = Blatantly obvious
24 continuation of 'a game' being played.

25 At the date to writing i.e. **four weeks later**, I have not been contacted, either by phone, or letter. Hence,
26 **it is now 5.5 weeks since you received my letter of 29 October 2008 requesting the PAC code.**

27 Any fair minded, reasonable person would conclude, as I have, from the above events, that 'a game' is
28 being played – and the intended irony is evident in the first paragraph of the 4 November 2008 letter:

29 *"I can understand how upsetting it is for you not able (sic) to use your*
30 *phone..."*

31 While I would like an explanation, in the meantime, to avoid any more 'games', I am enclosing a self-
32 addressed 'Special Delivery – Next Day' envelop ⁵ for you to **please ensure that the Port**
33 **Authorisation Code is posted to me BY RETURN OF POST.**

34 Yours sincerely

35 Noëlle Rawé

⁴ 6 November 2008 delivery note from 3 sent with the SIM card

⁵ Royal Mail 'Special Delivery – Next day 1 pm' self-addressed envelop – [3<]



Post Office Ltd.
Your Receipt

Knightsbridge
6 Raphael Street

London
Greater London
SW7 1DL

Date and Time: 08/12/2008 17:24
Session Prefix: 4-1458510
Dest: UK (E.U.)
Quantity: 1
Weight: 0.060 kg

Special D by 1 £4.60

Total Cost of Services £4.60

Posted after Last Collection? Yes

Guaranteed Delivery Date: 09/12/2008

Barcode: ZW04700934268

DESTINATION ADDRESS

Building Name or Number Postcode
Hutchison 3 6 UK Ltd SL6 1EH
Address Validated? Y

IT IS IMPORTANT THAT YOU RETAIN THIS
RECEIPT AS IT IS YOUR PROOF OF POSTING

PLEASE REFER TO SEPARATE TERMS AND
CONDITIONS

Special Delivery is an express next
day service for the UK, offering a
money back guarantee for delay and
compensation for loss and damage to
your item. Check delivery at
www.postoffice.co.uk or call
08459 272100 quoting your ref number.

This is not a VAT receipt
Thank You



Post Office Ltd.
Your Receipt

Knightsbridge
6 Raphael Street
London
Greater London
SW7 1DL

VAT REG No. 243 1700 02
08/12/2008 17:25
SESSION : 4-1458510-2

Post Label SD		
1 @	4.60	4.60
TOTAL DUE TO POST OFFICE		4.60
Cash	FROM CUSTOMER	5.60
Cash	TO CUSTOMER	1.00
BALANCE		0.00

Thank You



[Personal Customers](#) | [Small & Medium Business](#) | [Corporate & Public Sector](#)

all

Search

- Delivery Services
- Marketing Services
- Logistics Services
- Discounts & Payment



Home > Track and trace >

se
id
mail
ide
vice

Track & Trace

Please enter your [13 character reference](#)
e.g. AA000100019GB

Track item

[How to find your reference number](#)

Delivered

Your item with reference ZW047009342GB was delivered from our MAIDENHEAD Delivery Office on 09/12/08.

Thank you for using this service.

We can confirm that this item was delivered before the guaranteed time.

The electronic Proof of Delivery may not be available for this item yet. Please allow up to 72 hours after delivery before checking.

[View Proof of Delivery](#)

SENDING

TRACKING