



Office of the Telecommunications Ombudsman

PO Box 730, Warrington, WA4 6WU

Telephone: 0845 050 1614

Regional: 01925 430049

Fax: 0845 050 1615

Regional: 01925 430059

Textphone: 0845 051 1513

Regional: 01925 430886

Email: enquiries@otelo.org.uk

Website: www.otelo.org.uk

FROM THE OMBUDSMAN
ELIZABETH FRANCE CBE

Dr I Goldby
7 Hannah Crescent
Nottingham
NG11 7ER

Case ref: **83123**

13 October 2005

Dear Dr Goldby

YOUR COMPLAINT ABOUT ntl

On 9 June you made representations about the Provisional Conclusion reached following your complaint about ntl. I am sorry not to have let you have my Final Decision sooner.

I have carefully considered all available evidence (including further representations supplied after the Provisional Conclusion). My Final Decision requires ntl to take the action set out in the Provisional Conclusion. This is because the further representations submitted do not warrant any change.

I understand that it may be frustrating not to be receiving all required emails, but I welcome the fact that ntl are identifying and blocking domains showing evidence of 'spam' activity. The use of 'SORBS' to identify and subsequently block the problem domains in question is clearly a commercial decision taken by ntl, and so not one in which I can become involved.

ntl has clearly highlighted that Webfusion would need to contact the company in order to have its emails unblocked, and if you are wanting to receive these emails, then I would advise you to take up your request with Webfusion making reference to the requirements outlined by ntl. However, our investigation has highlighted that you have not received the level of customer service you could have expected. Therefore, my Final Decision requires ntl to make a £25 gesture of goodwill to take this point into consideration, and this is to be sent with a letter of apology for any distress its actions may have caused.

I shall write to ntl to inform them of my Final Decision.

Please indicate on Acceptance Form 2 (enclosed), within 2 months of the date of this letter, whether or not you accept my Final Decision. If you decide to accept my Final Decision I will inform ntl of your acceptance.

If you don't, you will lose the right to the solution I have set out. You will, of course, still be free to follow other routes to try to sort out the problems in a way that suits you better.

Yours sincerely

[Encs: FORM 2]



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