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Mr Ian Turnbull  
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9 June 2005

Dear Mr Turnbull,

Case reference 83123

Thank you for sending me your provisional conclusion on the above case. I am disappointed with it because it does not address the central issues of my complaint. In addition, the representation from NTL Group contains a factual inaccuracy that I believe would affect the conclusion. For this reason, I would like you to take another look at the case.

First, I am fully in agreement with the ombudsman that "the receipt of SPAM emails has become a huge problem" and I agree that NTL is right to take measures to protect customers from it. I want to be very clear that this is *not* what my complaint is about.

My complaint was over the *particular method* NTL are apparently using to block spam:

1. The *indiscriminate* blocking of *all* emails from problem domains, which inevitably leads to non-spam emails also being blocked along with genuine spam.
2. The use of a non-accountable third-party (i.e. SORBS, perhaps others too?) to determine which domains should be blocked. This leads to passing of the buck making it much harder to resolve the problem. SORBS are not exactly noted for the accuracy of their blacklists nor the ease of getting de-listed.
3. The fact that customers are given no warning that they may be missing important emails. I feel it is incumbent on NTL to make public their policy on spam blocking so that customers can have a realistic expectation of the level of service they can expect to receive.
4. The fact that customers are given no choice in the matter. NTL make no provision for an individual customer to elect to receive email from a particular domain that has been blacklisted where such email is important to that customer.

None of these issues were addressed in the ombudsman's provisional conclusion.

As to the factual inaccuracy, NTL were incorrect to state in their representation to the ombudsman that "the originating domain [i.e. WebFusion] would have to contact ntl in order for its emails to be unblocked." In my letter to NTL dated 6 December, I asked NTL "to remove the ban on accepting emails from SORBS blacklisted addresses", which they categorically said would not happen. In my letter of 15 December, I suggested that NTL could resolve this problem by "add[ing] my church's mail server, 212.67.202.168, plus any others I may require in the future to a white-list". As you know, NTL did not respond to this request.

The truth of the matter is that to get a domain unblocked, the domain owner has to contact not NTL but the relevant third-party black-list maintainer, in this case SORBS, and pay a \$50 fine (see <http://www.dnsbl.us.sorbs.net/overview.shtml> near the bottom of the page – I'm not making this up). NTL will not themselves take action to unblock a blacklisted domain, contrary to their statement to the ombudsman. Thus the ombudsman was incorrect to state that "these are obviously the procedures that ntl has in place" referring to contacting NTL to get a domain unblocked because NTL has no such procedures.

It is not my intention to draw this investigation out any further than absolutely necessary. If the ombudsman were to rule that NTL are justified in blocking some non-

spam emails in order to reduce the amount of actual spam, and justified in giving their customers no knowledge of and no choice over the matter, then although I disagree with this, I would accept the ruling and consider it to be the end of the matter.

Finally, I should mention that I am not at all interested in a cash settlement. I do not believe that a payment of compensation can make amends for poor service and I would like you to remove this remedy from the conclusion.

If NTL were persuaded to make publicly available their policy on spam filtering as a result of this complaint then I would consider it to have been partially successful. I would be fully satisfied if they were to improve their policy on spam filtering by putting control back in the hands of their customers.

I look forward to your response. Many thanks for your attention to this matter.

Yours sincerely,

Ian Goldby