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2nd January 2009

Dear Sirs,

I am writing to you to express my dissatisfaction and request that immediate action is taken to resolve an issue that you will no doubt have record of with my xxxxxxxxxx phone under contract with xxxxxxxxxx.

Upon renewal of my contact in the summer of 2008 a new phone was provided by xxxxxxxxxx to service the new 18 month contract which I had undertaken. The new phone issued by xxxxxxxxxx was a xxxxxxxxxx, a phone which has not been fit for purpose ever since it was provided by xxxxxxxxxx.

The initial problems with the phone revolved around faulty software which was a "known fault" with the xxxxxxxxxx. I returned the phone via post to xxxxxxxxxx who were unable to provide a replacement for the duration of the repair unless I reported to your local xxxxxxxxxx store. This was unacceptable as it is not convenient for me to return the phone to my local store as I work long hours during the week and it was at a time at which I had business commitments. It is also unreasonable for xxxxxxxxxx to expect customers to go through the inconvenience and pay the travel cost to get a product fixed which is by your own admittance subject to a "known fault". Therefore I had to opt to return the phone via post and was not provided with a courtesy phone to allow me to continue to use your service in the interim. Fortunately for me I was able to obtain a phone from another source in order to continue to stay mobile.

The phone was returned to me via post a short period after having been supposedly fixed. After receiving the phone and continuing its usage, admittedly the faults had improved; the phone would crash less frequently and the touch screen was more responsive. Despite this however the phone did occasionally cut out and the touch screen continued to not perform to an acceptable level. Often I would have to press the touch screen several times in order to get the phone to perform an action. Furthermore the touch screen would activate even when the keypad had been locked, and when a button was pressed it would act as if pressed several times and jump through menus. These factors still present with the phone, constitute to the xxxxxxxxxx with which I had been supplied

falling under the category of not being fit for purpose.

A phone call was made approximately two weeks after the phone had been returned to me to convey my dissatisfaction with the functionality of the phone, to which your telephone representative was dismissive and recommended contacting in writing.

These issues alone would have easily been enough to warrant me contacting you to complain about the phone and request a replacement; however the subsequent events of November 2008 have taken my dissatisfaction to another level.

During November 2008 I began to experience greater frequency of my phone cutting out culminating in the phone becoming completely stagnant. By this point I was at the end of my tether with the phone and was forced to take it to the xxxxxxxxxx store in Maidenhead to have it sent off for repair once again. The store representative was incredibly unhelpful and was unable to supply me with a phone to allow me to continue to use your service in the interim. A short period after my phone was returned to me at the xxxxxxxxxx store in Maidenhead where I was absolutely staggered to discover that xxxxxxxxxx had refused to repair my phone citing "moisture damage" as the explanation. To further compound my dissatisfaction with the situation my phone was returned without its battery. Very conveniently "moisture damage" is not covered by your warranty and therefore you are easily able to opt out of repairing the phone. After complaining to the in store xxxxxxxxxx representative he recommended that I contact you in writing and provided contact details.

I have two very strong problems with the circumstances of this "moisture" issue. The first is that I take great care of my mobile phone and it does not come into contact with any more moisture than could be reasonably expected for a product such as a mobile phone. The phone was not directly exposed to rain, nor did it come into contact with any particularly moist environments such as by a sink or with bottled water. The logical conclusion as to the source of this "moisture damage" if that is indeed the cause, would be that it had been caused by a design flaw with the phone. If this is the case then the xxxxxxxxxx can once again be classified as unfit for purpose. The second problem is that it would appear that the xxxxxxxxxx's susceptibility to "moisture damage" is a common occurrence and that it is most likely a design flaw. A quick search on the internet highlights other dissatisfied customers who have experienced similar issues:

1. xxxxxxxxxx
2. xxxxxxxxxx

Advice provided by your representatives both in store and on the internet pertains to getting an independent body to examine the phone. This response is absolutely unacceptable as I am unwilling to go to the extra expense of having my phone examined by someone else when it is unambiguously clear that the phone is not fit for purpose. Not only is it unfit for purpose in terms of the recent fault that has left it entirely unusable but also in the functionality of the phone when it was usable.

By xxxxxxxxxx's own admission there have been a significant number of complaints about the functionality of the xxxxxxxxxx. xxxxxxxxxx's representative stating online that there is "so much

negative comment about it online" (xxxxxxxxxx).

What I am requesting from Xxxxxxxxxx is the repair of my mobile phone and a replacement battery provided which I think is the absolute bare minimum that can be expected given the circumstances. I am willing to overlook any claim for compensation for the lack of a phone and inability to use your service in the interim in addition to the huge inconvenience caused if this situation is resolved by xxxxxxxxxxxx immediately.

I look forward to your prompt response.

Yours faithfully,

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