

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
E911 Requirements for IP-Enabled Service) WC Docket No. 05-196
Providers)
)
)

Third Subscriber Notification and Acknowledgement and Compliance Report

Lingo, Inc. (“Lingo”), an indirect wholly owned subsidiary of Primus Telecommunications Group, Incorporated, hereby submits this Third Subscriber Notification and Acknowledgement and Compliance Report in accordance with the Further Guidance provided by Enforcement Bureau of the Federal Communications Commission (“Commission”) on August 26, 2005 (“Further Guidance”).¹

I. INTRODUCTION.

As described in Lingo’s Subscriber Notification and Compliance Report filed on August 10, 2005 (“Initial Report”) and Second Subscriber Notification and Compliance Report filed on September 1, 2005 (“Second Report”) (collectively, the “Compliance Reports”), Lingo provides residential and business voice over internet protocol (“VoIP”) services with Emergency Calling Services (“ECS”)² rather than traditional 911/E911 services. In order to comply with the Commission’s Order,³ Lingo implemented an

¹ Public Notice, “Enforcement Bureau Provides Further Guidance to Interconnected Voice over Internet Protocol Service Providers Concerning Enforcement of Subscriber Acknowledgement Requirement,” DA 05-2358 (rel. August 26, 2005).

² Lingo purchases its ECS from Intrado, a third-party provider.

³ *IP-Enabled Services and E911 Requirements for IP-Enabled Service Providers*, First Report and Order and Notice of Proposed Rulemaking, FCC 05-116, 2005 WL 323217 (rel. Jun 3, 2005).

extensive campaign to obtain acknowledgements of its 911 safety advisory (“Advisory”) from all of its customers. As of the date of this filing, Lingo has not received Advisory acknowledgements from 100% of its customers. Lingo is therefore submitting this Third Subscriber Notification and Compliance Report so that the Commission will continue to refrain from taking any enforcement action against Lingo as described in the Further Guidance.

II. LINGO’S UPDATES TO ITS SECOND REPORT.

A. A detailed explanation regarding current compliance with the notice and warning sticker requirements if Lingo did not notify and issue warning stickers or labels to 100% of its subscribers by the July 29, 2005 deadline.

As described in the Compliance Reports, Lingo distributed a warning sticker sheet with instructions,⁴ an introductory letter explaining the purpose of the mailing,⁵ and an informational pamphlet about emergency calling⁶ (“ECS/911 Pamphlet”) to all existing customers as of July 14, 2005. Customers that signed up after July 14, 2005, either acknowledged the Advisory as part of the sign up process or were otherwise notified to acknowledge the Advisory and were sent stickers via separate mailings.

Since August 10, 2005, stickers are now provided to subscribers via different means, depending on whether the customer orders the CPE directly from Lingo (“Direct Ship CPE”), or purchases the CPE from a third party provider (“Third Party CPE”).⁷ As described in the Second Report, new customers purchasing Direct Ship CPE and Third

⁴ See Initial Report, Exhibit H.

⁵ See Initial Report, Exhibit F.

⁶ See Initial Report, Exhibit G.

⁷ Lingo is the preferred VoIP provider for a specific manufacturer of CPE. Customers typically purchase the CPE from the manufacturer (or the manufacturer’s retail outlets) and then may order the actual service from Lingo.

Party CPE shipped directly from the manufacturer now receive the CPE adaptor, appropriately labeled, additional stickers for the customer's phone, and the ECS/911 Pamphlet in the box that is shipped to them.

With respect to Third Party CPE that is shipped from a retailer, Lingo's CPE manufacturer continues to negotiate with each retailer on Lingo's behalf in an attempt to have them include the relevant information with the CPE that is sent to the customer. Because not all retailers have agreed to include this information in the shipping box, Lingo continues to directly send those customers the stickers and the ECS/911 pamphlet on a daily basis. As an additional safeguard, stickers are available from Lingo's website for printing.⁸ Lingo has also updated the two order-related e-mails⁹ to provide customers with a link to these warning labels, asking them to download and temporarily tape them to their CPE. (See Exhibits A3 and B3). Once the retailers sell the existing inventory, all new inventory will be pre-labeled and packaged by the manufacturer as described above. Lingo will, however, maintain the website with the labels as a back up.

B. A quantification of how many of Lingo's subscribers, on a percentage basis, have submitted an affirmative acknowledgement (as of September 22, 2005) and an estimation of the percentage of subscribers from which they do not expect to receive an acknowledgement by September 28, 2005.

As of 11:59 p.m., September 21, 2005, Lingo has received affirmative acknowledgements from approximately ninety-three percent (93%) of its subscribers, which is an increase in the percentage of acknowledgements by three percentage points since August 30, 2005. In its Second Report, Lingo estimated that it probably would not

⁸ http://www.lingosupport.com/e911_all_stickers.pdf

⁹ Specifically, the e-mail that is sent to a customer as soon as they sign up for an account on lingo.com which includes the details of their order, and the e-mail that is sent when a customer's account becomes active, approximately 1 hour after they sign up for service.

receive acknowledgements from approximately six percent (6%) of its subscriber base by September 28, 2005, but based on current acceptance rates and a small percentage of customers affected by Hurricane Katrina, Lingo revises this estimate to 93.75% percent.

C. A detailed description of any and all actions the provider plans to take towards any of its subscribers that do not affirmatively acknowledge having received and understood the Advisory.

1. Customers That Currently Have Not Acknowledged the Advisory. In its Second Report, Lingo described the strategy it would use for contacting subscribers that had not acknowledged the Advisory. During the month of September, Lingo took the following actions:

- Beginning September 1, 2005: Customers are now able to dial a toll free number to reach the interactive voice response system (“IVR”) that plays a recording of the Advisory to the customer, and then a voice verification is conducted. This telephone number has been provided to customers via e-mail, voice messages, website and other means of contact.¹⁰
- September 1, 2005: Lingo updated the message on the Customer Service line to give the number of the IVR and new deadline for acknowledgements.¹¹
- Beginning September 6, 2005: Lingo sent reminder e-mails to customers who had not acknowledged the Advisory every four (4) days.¹² (See Exhibit C3 for text of most recent e-mail).
- Week of September 5: Outbound calling resumed to customers who had not acknowledged the Advisory. Each customer was contacted approximately once per week.¹³
- September 5, 2005: Lingo website updated to provide the IVR telephone number. (See Exhibit D3).

¹⁰ See Second Report, Exhibit H2 for script, or dial 1-866-546-4642 to listen.

¹¹ See Second Report, Exhibit I2.

¹² See Second Report, Exhibit G2 for text of e-mails sent out on 9/6, 9/12 and 9/19.

¹³ See Second Report, Exhibit J2.

- September 19, 2005: Letters and acknowledgement forms were sent via U.S. Postal Service to all customers who had not yet submitted acknowledgements. Customers were given the option to sign and return a copy of the Advisory via mail (postage prepaid by Lingo) or by fax. (See Exhibits E3 and F3).

On a going forward basis, Lingo will continue trying to obtain acknowledgements from 100% of its customer base. Lingo will now begin e-mailing customers every other day rather than once every four days. Outbound calling will continue, with approximately one contact per customer each week. Lingo will also review the list of unresponsive customers and place additional calls to customers that have four (4) or more accounts. This strategy will be reviewed on a daily basis, and modified as necessary.

2. Customers That Have Not Acknowledged as of September 29, 2005. For customers that have not acknowledged the Advisory as of September 29, 2005, Lingo intends to take all actions legally required.

D. A detailed description of any and all plans to use a “soft” or “warm” disconnect (or similar) procedure for subscribers that fail to provide an affirmative acknowledgement by September 28, 2005.

Lingo continues to explore the options for a “soft” or “warm” disconnect procedure for subscribers that fail to provide an affirmative acknowledgement of the Advisory by September 28, 2005. Lingo’s IT department has completed developing the tools necessary to begin testing the “soft” disconnect. Testing will begin this week and continue into next week. While Lingo’s ability to actually implement the “soft” disconnect will depend upon the results of those tests and the effect this will have on the network, Lingo continues to have serious concerns regarding the public safety

implications associated with limiting a customer's ability to make outbound calls. Specifically, there are a variety of other types of important emergency calls that are not routed through the 911 process (*e.g.*, poison control, Medic Alert, direct dial to hospital, a parent's phone or pager, a child's doctor, security alarms, etc.). Lingo is extremely reluctant to limit a customer's ability to make these types of calls for the period beginning September 28, 2005, until the Advisory is acknowledged, and up to forty-eight (48) hours thereafter while manually restoring service to the customer. Lingo has not made a definitive decision regarding whether it will implement the "soft" disconnect, even if the testing referred to above is successful. However, Lingo will continue to evaluate the circumstances before it, as well as any further guidance or statements offered by the Commission in this regard.

Respectfully Submitted,

LINGO, INC.



Charles W. Schwantes
President
7901 Jones Branch Drive, #900
McLean, VA 22102

September 22, 2005

cc: Byron McCoy
Kathy Berthot
Janice Myles
Best Copy and Printing

EXHIBIT A3

From: customercare@lingo.com [<mailto:customercare@lingo.com>]
Sent: Monday, August 29, 2005 5:12 PM
To: customer@mail.com
Subject: Thank You For Your Order

Dear charlie,

Thank you for your order from Lingo.com. We are in process of activating your account for Lingo VoIP phone service. The VoIP router package you already purchased contains all the hardware you need, so you will not receive a shipment from Lingo. The activation process takes approximately 30 minutes and we will e-mail you again when it is complete.

Important Account Information

Order Date: 8/29/2005
Account Number: 83794157
Lingo Number: 14343260119
Lingo Fax Number: 14343260120
Username: devcharlie12
First invoice available online: 9/14/2005
Voicemail access number: 1111
Voicemail pass code: 0000
*You will be prompted to enter your personal passcode during your first voicemail call.

IMPORTANT INFORMATION ABOUT DIALING 911: When you signed up for Lingo you acknowledged that you understood the differences between traditional 911 and Lingo's Emergency Calling Service. It is important that any person using the Lingo service understands these differences. You will receive an additional information package and warning stickers in the mail shortly. Until then, please download the labels at http://www.lingosupport.com/e911_all_stickers.pdf and attach them to the Lingo adapter and your phone.

If you have any questions regarding your order or need technical assistance please contact Lingo support at:

US/Canada: 1-888-Lingo-99 (1-888-546-4699)
International: 1-917-779-9999
customercare@lingo.com

Thank you,

Lingo Customer Care

EXHIBIT B3

From: CustomerCare@lingo.com [mailto:CustomerCare@lingo.com]
Sent: Monday, August 29, 2005 5:11 PM
To: customer@mail.com
Subject: Your Account is Ready!

Dear charlie,

Your Lingo account is now activated!

If you have already setup the VoIP router you need to reboot it to start using Lingo phone service. To reboot:

1. Power down or unplug the VoIP router
2. Wait 60 seconds
3. Power up or plug in the VoIP router

If you have not setup the VoIP router, please do so now using the Quick Installation Guide or CD-ROM included in the package.

IMPORTANT INFORMATION ABOUT DIALING 911: When you signed up for Lingo you acknowledged that you understood the differences between traditional 911 and Lingo's Emergency Calling Service. It is important that any person using the Lingo service understands these differences. You will receive an additional information package and warning stickers in the mail shortly. Until then, please download the labels at http://www.lingosupport.com/e911_all_stickers.pdf and attach them to the Lingo adapter and your phone.

If you have any questions regarding your order or need technical assistance please contact Lingo support at:
<http://www.lingosupport.com>
E-mail: customercare@lingo.com
US/Canada: 1-888-Lingo-99 (1-888-546-4699)
International: 1-917-779-9999

Regards,
Lingo Customer Care

EXHIBIT C3

Subject: Lingo Account Suspension Warning

Dear (customer),

Lingo has made several attempts to contact you regarding an urgent 911 service advisory that requires your acknowledgement. As of (last date) we have not received your acknowledgment. It is important to respond immediately, as the FCC expects Lingo to suspend any account that has failed to review and accept this acknowledgment after their extended September 28th deadline. We urge you to do this right now! The acknowledgment will only take a couple minutes and you can do this by phone, online, mail or fax.

Voice recorded acknowledgement:

- 1) Dial 1-866-546-4642
- 2) Enter your Lingo phone number (**phone number**)
- 3) Listen to the advisory and follow the prompts.

Online acknowledgement: (Must know password*)

- 1) Login to your account at lingo.com. (your username is _____)
- 2) Review and acknowledge this advisory

**If you do not know your Lingo login password, please use the voice recorded option.*

Mail-in or fax acknowledgement:

- 1) Go to Lingo Support (http://www.lingosupport.com/lingo_emergency_advisory.pdf)
- 2) Download advisory in PDF format, print, review and complete acknowledge information at the bottom. (your account number is _____)
- 3) Mail or fax to contact information provided on advisory.

If you have questions or need assistance, please contact us at 1-888-Lingo-99 or by email at customercare@lingo.com.

Thank you.

Lingo

REF: ECSADV5_092105

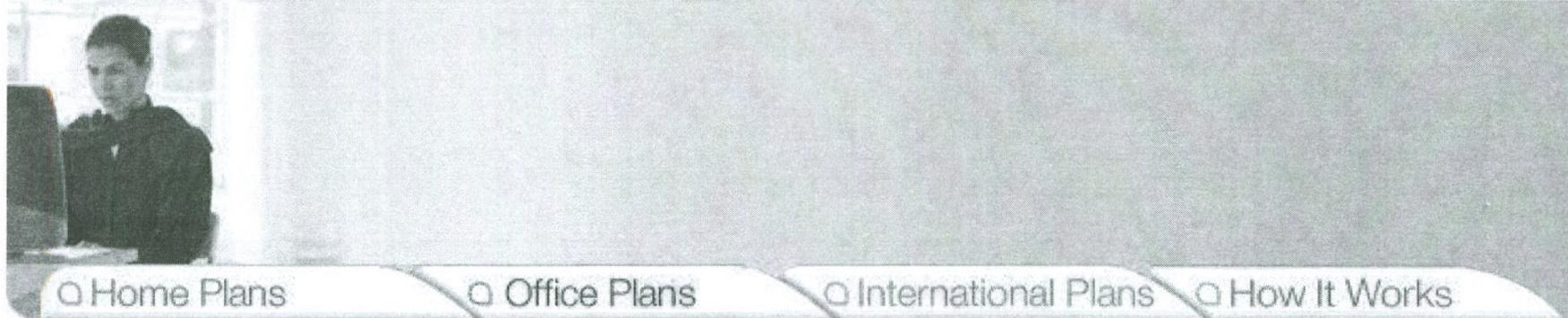


The talk of broadband

EXHIBIT D3

[Home](#) [Email A Friend](#) [Support](#) [Login](#)

Home > Support



Home Plans

Office Plans

International Plans

How It Works

How it Works

- [How Lingo Works](#)

Lingo Sales

Phone Number
866-Lingo-03
(866-546-4603)

sales@lingo.com

How to Read Your Bill

- [How to Read Your Bill](#)

Phone Feature Guides

- [Lingo Features](#)
- [Quick Reference Guide](#)
- [Voicemail User Guide](#)

[Letter of Authorization](#)
[Letter of Authorization \(text\)](#)

FAQs

- [Account Management Tips](#)
- [General](#)
- [Calling Plans and Rates](#)
- [Equipment & Connections](#)
- [Retail Support](#)
- [Emergency Calling Service](#)
- [Keep Your Phone Number](#)
- [Universal Phone Number](#)
- [Billing and Payment](#)

Emergency Calling Service

- [911 Service Advisory](#)
- [Advisory Acknowledgement \(PDF\)](#)
- [Information Guide \(PDF\)](#)
- [911 Warning/Dialing Labels \(PDF\)](#)
- [FAQs](#)

Installation Guides

- [Single Computer](#)
- [Multiple Computers \(recommended method\)](#)
- [Multiple Computers \(alternate method\)](#)
- [Installation with Multiple Lingo Phone Adapters](#)
- [Troubleshooting](#)
- [Configuring PPPoE \(Advanced\)](#)
- [Configuring Static IP \(Advanced\)](#)
- [DVG-1402S/L VoIP router](#)
- [Advanced: Assign Static IP to Computer](#)

Lingo 911 Service Advisory - Quick Ways to Acknowledge

Download form to mail or fax, [click here.](#)

Call 866-546-4642
Have your primary phone number on your Lingo account ready.

Online, [click here](#)
Have your username and password ready.



EXHIBIT E3

John Smith
123 Main Street
McLean, VA 22102

Immediate acknowledgement required to avoid account suspension.

Dear John Smith,

Lingo has made several attempts to contact you regarding an urgent 911 service advisory that requires your acknowledgement. It is important to respond immediately, as the FCC expects Lingo to suspend any account that has failed to review and accept this acknowledgment after their extended September 28th deadline. We urge you to do this right now! The acknowledgment will only take a couple minutes and you can do this by mail, phone or online.

Choose one of the following methods to acknowledge the 911 Advisory:

Mail acknowledgement form:

- 1) Review the 911 advisory contained in this letter
- 2) Sign to acknowledge
- 3) Return signed copy to Lingo via the postage paid envelope

Voice recorded acknowledgement:

- 1) Dial 1-866-546-4642
- 2) Enter your Lingo phone number (phone number)
- 3) Listen to the advisory and follow the prompts

Online acknowledgement: (Must know password*)

- 1) Login to your account at lingo.com. (your username is _____)
- 2) Review and acknowledge this advisory

**If you do not know your Lingo login password, please use the voice recorded option.*

If you have questions or need assistance, please contact us at 1-888-Lingo-99 or by email at customercare@lingo.com.

Thank you.

Regards,

Lingo Customer Care



EXHIBIT F3

Please review, acknowledge and return this 911 service advisory to Lingo via mail before September 28th to avoid account suspension.

IMPORTANT INFORMATION REGARDING 911 DIALING: As you may be aware, there are important differences between Lingo Emergency Calling Service and traditional 911 or E911 service. Even though Lingo automatically signed you up for our Emergency Calling Service and provided this information previously, due to a recently announced FCC 911 ruling, we are required to ensure that you acknowledge your understanding of these differences. You must read the following consumer advisory and confirm your understanding of these terms.

Lingo's Emergency Calling Service feature is significantly different from traditional 911 or E911 service in the following ways:

Registering your Location for Emergency Calling Service/911 Dialing with Lingo

Lingo automatically signed you up for Emergency Calling Service when you initially ordered your VoIP phone service. There was a screen that prompted you to enter the physical address where your service is located, you will confirm that address on the next page. Giving Lingo your physical address is the only way to locate the appropriate Public Safety Answering Point (PSAP) serving the area at the physical location where your Lingo service will be used.

Changing your Emergency Calling Service Address

It is important to keep the address where you will be using the Lingo service current on your Lingo account. If you move or travel with the Lingo adapter, you must change your Emergency Calling Service address with Lingo to ensure your call is routed to the appropriate PSAP. See "Length of Time for Activating Emergency Calling Service or Updating Emergency Calling Service Address" below for more information. If you dial 911 and you have not updated your Emergency Calling Service address in a timely manner, you may not receive the emergency services you require. However, when you call, it is very important to inform the operator of your exact location.

If you need to change your Emergency Calling Service address at any time, you can edit your customer profile in the online account management section or contact Lingo at 1-888-546-4699. There is no charge for changing or updating your Emergency Calling Service address and you may make as many changes to your Emergency Calling Service address as necessary.

Length of Time for Activating Emergency Calling Service or Updating Emergency Calling Service Address

When you make changes to your Emergency Calling Service address, it takes up to three (3) business days for the change to take effect.

How Lingo's Emergency Calling Service Works

Simply dial 911 in the case of an emergency and Lingo will route your phone call to the PSAP that provides emergency services in your area. The appropriate PSAP is determined by the physical location of your Emergency Calling Service address. Therefore, if the Emergency Calling Service address is not the physical location where the Lingo service is being used, your call cannot be routed to the corresponding PSAP for your area and may prevent you from receiving the emergency services you require. The PSAP or Public Safety Answering Point is the agency that takes emergency calls and routes them to the appropriate emergency service.

Differences Between 911 Service on a Traditional Phone and Lingo's Emergency Calling Service

The difference between Lingo's Emergency Calling Service and traditional 911 service is that the Lingo VoIP call will be routed to the PSAP's general access line, which is different from the 911 Emergency Response Center. You will need to state the nature of your emergency promptly and clearly, including your location and telephone number, as PSAP personnel will not have this information at hand. PSAP personnel can help you effectively and will take necessary steps to provide you with the appropriate assistance, such as dispatching police, an ambulance and/or a fire truck.

911/Emergency Service Unavailability

Emergency Calling Service will be unavailable under certain circumstances, including but not limited to, if there is a power outage, broadband service outage, relocation of the Lingo adapter, and delays that may occur in updating your Emergency Calling Service address.

Emergency Calling Service Availability with an International Phone Number

If you have an international number as your primary Lingo phone number, when you dial 911, the call will be routed to a general Emergency Services center instead of a local PSAP, which will increase the response time of any emergency service provider. As always, it is important to be prepared to provide your physical address and a U.S. phone number where the operator can reach you.

I (name) hereby acknowledge that I have read and understand the foregoing 911 service advisory for my Lingo VoIP phone service.

Account number: _____

Contact name: _____

Sign to acknowledge: _____

Dated: _____

Mail to:
Lingo, Inc.
7901 Jones Branch Drive
Suite 900
McLean, VA 22102
Attn: Lingo 911 Department

Fax: 1-800-305-1419