State of Florida



Hublic Service Commission

CAPITAL CIRCLE OFFICE CENTER ● 2540 SHUMARD OAK BOULEVARD TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M

DATE:

JANUARY 24, 2002

TO:

DIRECTOR. OF COMMISSION DIVISION THE

CLERK

ADMINISTRATIVE SERVICES (BAYÓ)

FROM:

DIVISION OF COMPETITIVE SERVICES (BUYS), DAS

DIVISION OF LEGAL SERVICES (TEITZMAN)

RE:

DOCKET NO. 011653-TI -COMPLIANCE INVESTIGATION OF WORLDTEQ, INC. FOR APPARENT VIOLATION OF RULE 25-24.470, F.A.C., CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

REOUIRED.

AGENDA:

02/05/02 - REGULAR AGENDA - PROPOSED AGENCY ACTION -

INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMP\WP\011653.RCM

CASE BACKGROUND

- September 21, 2001 Staff received a complaint from a Florida consumer regarding improper billing from WorldTeg, (WorldTeg). Staff investigated the complaint and discovered that WorldTeq is a wholly owned subsidiary of A1 Internet.com, Inc. Neither Al Internet.com, Inc., nor WorldTeg has obtained a certificate of Public Convenience and Necessity from the Florida Public Service Commission to provide intrastate interexchange telephone service in Florida.
- September 26, 2001 Staff sent Al Internet.com, Inc. a certified letter addressed to Mr. Bruce Bertman, President and CEO, via the United States Postal Service (Attachment A). The letter was received and signed for on October 1, 2001, as indicated by the returned "green card" receipt (Attachment B). The letter informed Mr. Bertman about the Commission's

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requirement to obtain a Certificate of Public Convenience and Necessity prior to providing intrastate interexchange telephone service in Florida.

- October 23, 2001 Staff phoned Mr. Bertman and inquired as to the status of his reply to staff's inquiry. During the conversation, Mr. Bertman indicated that his company would apply for a certificate.
- October 24, 2001 Staff received a facsimile from WorldTeq in which Mr. Bertman stated his company has already started the filing process and will make sure it is done in an expeditious manner (Attachment C).
- November 5, 2001 Staff sent Mr. Bertman a second certified letter via the United States Postal Service (Attachment D). The letter was received and signed for on November 9, 2001, as indicated by the returned "green card" receipt (Attachment E). The purpose of the second letter was to confirm the phone conversation on October 23, 2001, and reiterate the fact that providing intrastate interexchange telephone service without first obtaining a certificate is an apparent violation of Rule 25-24.470, Florida Administrative Code, Certificate of Public Convenience and Necessity Required.
- December 17, 2001 The company failed to file a certificate application, therefore, staff opened this docket to investigate the company's apparent violation of Rule 25-24.470, Florida Administrative Code, Certificate of Public Convenience and Necessity Required.

The Florida Public Service Commission is vested with jurisdiction in this matter pursuant to Sections 364.285, 364.33, and 364.337, Florida Statutes. Accordingly, staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

<u>ISSUE 1</u>: Should the Commission fine WorldTeq, Inc. for its apparent violation of Rule 25-24.470, Florida Administrative Code, Certificate of Public Convenience and Necessity Required?

RECOMMENDATION: Yes. The Commission should fine WorldTeq, Inc. \$25,000 for its apparent violation of Rule 25-24.470, Florida Administrative Code, Certificate of Public Convenience and Necessity Required. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine is not received within five business days after the issuance of the Consummating Order, the collection of the fine should be referred to the Office of the Comptroller. (Buys, Teitzman)

STAFF ANALYSIS: Rule 25-24.470, Florida Administrative Code, Certificate of Public Convenience and Necessity Required, states:

(1) No person shall provide intrastate interexchange telephone service without first obtaining a certificate of public convenience and necessity from the Commission. Services may not be provided, nor may deposits or payment for services be collected, until the effective date of a certificate, if granted. However, acquisition of equipment and facilities, advertising and promotional activities may begin prior to the effective date of the certificate at the applicant's risk that it In any customer contacts or may not be granted. advertisements prior to certification, the applicant must advise the customer that certification has not and may never be granted.

Staff has determined that WorldTeq is providing intrastate interexchange telephone service in Florida without first obtaining a certificate of public convenience and necessity based on the information provided to staff by one of WorldTeq's customers (Attachment F), the information posted on the company's website, http://www.worldteq.com (Attachment G), and staff's telephone conversation with Mr. Bertman on October 23, 2001.

The information provided by one of WorldTeq's customers shows that WorldTeq has been providing intrastate interexchange telephone service in Florida since at least October 30, 2000. WorldTeq's customer provided staff a Letter of Authorization to switch the customer's presubscribed long distance carrier to WorldTeq.

In addition, the information posted on the company's website describes the company's services and includes 1+ dialing and intrastate interexchange telephone service for Florida. The website also indicates that WorldTeq is a wholly owned subsidiary of Al Internet.com, Inc.

Furthermore, on three separate occasions, staff informed Mr. Bertman of the requirement for his company to obtain a certificate of public convenience and necessity. During a telephone conversation with staff on October 23, 2001, Mr. Bertman indicated that his company was a reseller of St. Andrews Telecommunications based in Lawrence, Kansas, and would apply for a certificate. As of January 8, 2002, neither Al Internet.com, Inc., nor its subsidiary, WorldTeq, has submitted an application for a certificate.

Staff believes that WorldTeq, Inc. is providing intrastate interexchange telephone service in Florida without a certificate and that the company's apparent violation of Rule 25-24.470, Florida Administrative Code, is "willful" in the sense intended by Section 364.285, Florida Statutes. In Order No. 24306, issued April 1, 1991, in Docket No. 890216-TL, In re: Investigation Into The Proper Application of Rule 25-14.003, F.A.C., Relating To Tax Savings Refund for 1988 and 1989 For GTE Florida, Inc., having found that the company had not intended to violate the rule, the Commission nevertheless found it appropriate to order it to show cause why it should not be fined, stating that "In our view, willful implies intent to do an act, and this is distinct from intent to violate a rule." Thus, any intentional act, such as WorldTeq's conduct at issue here, would meet the standard for a "willful violation."

By Section 364.285, Florida Statutes, the Commission is authorized to impose upon any entity subject to its jurisdiction a penalty of not more than \$25,000 for each offense, if such entity is found to have refused to comply with or to have willfully violated any lawful rule or order of the Commission, or any

provision of Chapter 364. Utilities are charged with knowledge of the Commission's rules and statutes. Additionally, "[i]t is a common maxim, familiar to all minds, that `ignorance of the law' will not excuse any person, either civilly or criminally." <u>Barlow v. United States</u>, 32 U.S. 404, 411 (1833).

Accordingly, staff recommends that the Commission should fine WorldTeq, Inc. \$25,000 for its apparent violation of Rule 25-24.470, Florida Administrative Code, Certificate of Public Convenience and Necessity Required. The fine should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the Commission's Order is not protested and the fine is not received within five business days after the issuance of the Consummating Order, the collection of the fine should be referred to the Office of the Comptroller.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: The Order issued from this recommendation will become final upon issuance of a Consummating Order, unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the Proposed Agency Action Order. This docket should then be closed administratively upon either receipt of the fine, or upon referral of the fine to the Office of the Comptroller for collection if the fine is not paid within five business days after issuance of the Consummating Order. (Teitzman)

STAFF ANALYSIS: Whether staff's recommendation on Issue 1 is approved or denied, the result will be a Proposed Agency Action Order. If no timely protest to the Proposed Agency Action is filed within 21 days of the date of issuance of the Order, this docket should be closed administratively upon either receipt of the fine, or upon referral of the fine to the Office of the Comptroller for collection if the fine is not paid within five business days after issuance of the Consummating Order.

DOCKET NO. 011653-TI COMMISSIONERS: January 24, 2002 STATE OF FLORIDA

E. LEON JACOBS, JR., CHAIRMAN J. TERRY DEASON LILA A. JABER BRAULIO L. BAEZ MICHAEL A. PALECKI



DIVISION OF COMPETITIVE SERVICES WALTER D'HAESELEER (850) 413-6600

Public Service Commission

September 26, 2001

CERTIFIED

Mr. Bruce Bertman President and CEO Al Internet.com, Inc. 15200 Shady Grove Road, Suite 350 Rockville, MD 20850

Re: Customer complaint and official inquiry into Certification of WorldTeq.

Dear Mr. Bertman:

The Florida Public Service Commission (FPSC) has received a customer complaint from Julia Williams against WorldTeq for improper billing. Our research indicates that WorldTeq is a wholly owned subsidiary of A1 Internet.com, Inc. Therefore, I am addressing these issues to you and your company. Ms. Williams claims that your company has billed her for "NON-RBOC" charges that were not disclosed to her when she decided to switch her long distance service provider to WorldTeq. She is disputing \$175 in "NON-RBOC" charges. She has provided the FPSC staff with a copy of her LOA, a bill, and a collection notice. I have enclosed a copy of her complaint for your review. Please suspend any collection proceedings until this complaint is resolved. Also, please investigate Ms. Williams complaint and provide me with a written report detailing your company's findings and proposed resolution no later than October 12, 2001. In your report, please include when Ms. Williams' service was pic'd to WorldTeq, when the "NON-RBOC" charges were applied, and from which carriers WorldTeq purchases network time.

Based on the information provided in Ms. Williams complaint and on your web site www.worldteq.com, it appears that your company is providing intrastate interex change telephone service in Florida. The information indicates that WorldTeq is providing "1+ dialing" service in which a change in the customer's presubscribed interexchange carrier is required.

In addition, FPSC records indicate that neither WorldTeq nor Al Internet.com, Inc. has obtained a Certificate of Public Convenience and Necessity to provide intrastate interexchange telecommunications services in Florida. Rule 25-24.470, Florida Administrative Code, Certificate of Public Convenience and Necessity Required, states:

Mr. Bruce Bertman Page 2 September 26, 2001

No person shall provide intrastate interexchange telephone service without first obtaining a certificate of public convenience and necessity from the Commission. Services may not be provided, nor may deposits or payment for services be collected, until the effective date of a certificate, if granted. However, acquisition of equipment and facilities, advertising and other promotional activities may beginprior to the effective date of the certificate at the applicant's risk that it may not be granted. In any customer contacts or advertisements prior to certification, the applicant must advise the customer that certification has not and may never be granted.

If WorldTeq is providing intrastate interexchange telephone service without a Certificate of Public Convenience and Necessity, it is in apparent violation of Rule 25-24.470, Florida Administrative Code. To correct this matter, your company should submit an application to obtain a Certificate. You can obtain the necessary application form, plus all the supporting instructions and rules, on the FPSC website, www.floridapsc.com. Please mail the completed form to the Division of Commission Clerk and Administrative Services.

Mr Bertman, please provide me with a written response either confirming that your company will apply for a Certificate, or if you believe that your company does not require a Certificate, an explanation supporting your position by October 12, 2001. Should you have any questions, please call me at (850) 413-6536, or email me at dbuys@psc.state.fl.us.

Sincerely,

Dale R. Buys Regulatory Analyst Bureau of Service Quality

Enclosure: CATS Request No. 406566T

cc: Jackie Gilchrist

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SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse	A Received by (Please Print Clearly) B. Date of Delivery
so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.	C. Signature X
	D. Is delivery address different from item 1? Yes tdress below. No
Mr. Bruce Bertman, Presider	nt ana CEO
AsInternet.com, Inc.	
15200 Shady Grove Road, Sui	ite 350
Rockville, MD 20850	
	Express Mail Return Receipt for Merchandise C.O.D.
	4. Restricted Delivery? (Extra Fee) Yes
2. Article Number (Copy from service label)	864 2524
PS Form 3811, July 1999 Domestic Re	eturn Receipt 102595-99-M-1789
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DOCKET NO. 011653-TI
DATE: Japuary 24, 2002

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Phone +1.301.296 4234 Fax +1.240.465.1265 e-Mail <u>bbertman@worldlog.com</u>

Fax Cover

To:	Dale	Buys	From	Bruce Bertman	
Fax:	850.	413.6537	Pages:	2	
Phone:	850.	413.6536	Date:	10/24/2001	
Rei	Сору	y of Response Letter	cc:		
☑ Urge	ent	☐ For Review	☑ Please Comment	□ Please Reply	☐ Please Recycle
• Com	ment				

Mr. Buys,

I have attached a copy of the letter that was sent to your office on the 15th of October. I am sorry you have not received it yet but you should receive the original soon. Hopefully this will close out this issue for Julia Williams.

We have already started the filing process and will make sure this is done in an expeditious manner. We were not under the impression we were required to file in Florida.

If there is ever anything else I can do, please do not hesitate to let me know.

Best Regards,

Bruce Bertman

STATE OF FLORIDA

COMMISSIONERS: E. LEON JACOBS, JR., CHAIRMAN J. TERRY DEASON LILA A. JABER BRAULIO L. BAEZ MICHAEL A. PALECKI



DIVISION OF COMPETITIVE SERVICES WALTER D'HAESELEER (850) 413-6600

Hublic Service Commission

November 5, 2001

CERTIFIED

Mr. Bruce Bertman
President and CEO
A1 Internet.com, Inc.
15200 Shady Grove Road, Suite 350
Rockville, MD 20850

Re: Follow up letter to telephone conversation on October 23, 2001, regarding a response to customer complaint and inquiry into certification of WorldTeq.

Dear Mr. Bertman:

During our conversation on October 23, 2001, you stated that WorldTeq is a re-seller of St. Andrews Telecommunications services based in Lawrence, Kansas. However, St. Andrews Telecommunications is not listed under that name as having obtained a certificate to provide intrastate interexhange telecommunications services in Florida. To clarify this issue, please provide me with the name, address, and telephone number of the company from which WorldTeq purchases network time for resale.

We also discussed the fact that as a re-seller of intrastate interexhange telecommunications, WorldTeq (a subsidiary of A1 Internet.com, Inc.) requires a certificate of public convenience and necessity from the Florida Public Service Commission (FPSC). During our phone call, I directed you to the FPSC website where you can obtain the necessary information and forms needed to apply for a certificate. You indicated that your company will submit its application. By now, I trust that your company is in the process of applying for a certificate.

By operating without a certificate, A1 Internet.com, Inc. is in apparent violation of Rule 25-24.470, Florida Administrative Code, Certificate of Public Convenience and Necessity Required. To resolve this matter, please submit your company's application to the address listed in the application form by November 30, 2001.

Mr. Bruce Bertman Page 2 November 5, 2001

Should you have any questions, please call me at (850) 413-6536.

Sincerely,

Dale R. Buys
Regulatory Analyst
Bureau of Service Quality

cc: Jackie Gilchrist (Division of Regulatory Oversight) Florida Department of Revenue

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SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION	ON DELIVERY
 Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse 	A Received by (Please Print)	Clearly) B. Date of Delivery
so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.	c. Signature	Agent Addressee
	D. Is delivery address different address	from item 1? Yes
Mr. Bruce Bertman Certified No.	A1 o	
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President and CEO A1 Internet.com, Inc.		2001
15200 Shady Grove Road, Suite 350)	
Rockville, MD 20850	J EX	press Mail turn Receipt for Merchandise
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Florida Public Service Com	SERVICES	84 io: 48
Mr. Dale Buys	ES	o
2540 Shumard Oak Blvd.		
Tallahassee, FL 32399-08	50	
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THIS PAGE AND FAX IT TO 208-485-8287!

Close Window

WorldTeg, Inc. Letter of Authorization

Card Number:

Card Exp: 11/2002

Rev. 203.1

Agent ID#: 40015-0004-002 Agent Name: Lies Josquin Agent Phone Number: (727) 393-7724

Today's Date: October 30, 2000

Customer Information "As it appears on phone bill" :

Company Name:

First & Last Name:Julia Williams

Social Security # or

Federal ID# .----

Address: 6519 31st Street North

City, State - CountrySt. Peleraburg, Florida - Unked States

Email:gjuja269@yahoo.com

Day Telephone:((27)-525-3369 Evening Telephone: (727)-525-3369 Fax Number (309)-407-2541

Apt/Suite:

Zip:33702-6269

Payment Information:

Card Type: Discover

Cardholder's Julia Williams

Billing Address:16519 31st Street North

Billing City: St. Petersburg

Mother's

Maiden Name

Cardholde Signature

(For Security Only)

Date Signed: 10/30/2000

Billing State and Zlp Code: Florida 33702-6269

Pre-Paid 1+ Dialing Service Plans - Your Selection:

Your Selection(s): 20-USA

Please switch the following Phone Number(s) to WorldTeq Pre-Paid Long Distance Plans: (727)-525-3369

and that my credit eard will be blied (in advance) per month on <u>each time</u> on the Graat Reas Plens, I understand that my credit card will be ballied separately for my In State tell cells & International tell cults made from the pi

"PIC FREEZE" WARNING! You may have a PIC Freeze and NOT know itl:

If you have a PIC Freeze (Preferred Interchange Carrier) please call your local phone company (LEC) to retrove it. Then AFTER the switch is made: (to prevent your so trem being switched without your such orization), you seem cost telephone company and have a PIC freeze placed on your number(s).

I hereby sutherize WorldTeq, linc, to provide long distance service, and to ad as my agent in till protters related to providing my long distance service for the talephone imp(s) indicated. Lunderstand that (3) I may only subscribe to one long distance content for the liquid telephone number(s), (2) there may be a one-time less directly from my local LEC for subscarbing my long diseasons service to WorldTeq, linc., (3) if available, my intra-late service may also be switched. By algraing this application, I argree that all statements are true and correct to the best of my knowledge.

I Understand that my "in-State To9 Calls", "international Calls" and any "State-To-State" calls outside my dieting plan will be changed in my chosen paryment method anothing in \$100,00 increments (whichever occurs first), and that there is a \$2,90 per morth recurring charge plus applicable boxes, and a one time setup fee or \$4,90. (Any State-To-State calls in surses of my phosen paints alkated minutes will be charged at 6.5 cards per minute). I also understand that should my service be instrumented by Westflet for non-payment, there will be a \$35,00 veconnection fee charged to my chosen payment method, Should I cancel service with WorldTeq, I will evite mitted my shoke immediately, or be billed if the then current per minute rate through WorldTeq, V cancelling my account(s), I understand and agrifue that I will sally WorldTeq in writing and mail to the address below.

Initials YEE, I ACCEPT THESE TERMS and contry that I am Authorized to make this requir **Authorized Name** JULIA WILLIAMS (As it sopears on phone bill).

Authorized Signature: (

Today's Date: <u>ノク/スク/スクク</u>

NOTICE: This form MUST BE FAXED TO: 208-485-8287

For assistance in enabling service and billing inquiries, please contact:

WorldTeq Customer Service: 1-866-477-AONE (2863)

- 14 -

https://www.worldieq.com/los_sub_print_donc.cfm

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orldTeq.com Long Distance Service

DOCKET NO. 011653-TI

DATE: January 24, 2002







Residential & Business service as low as

1+ Dialing and Voice Over Internet (VOIP) options

WorldTeq's voice division enables you to choose from many long distance plans to fit your calling needs. We offer 1+ dialing plans that provide rates as low as 1.99 cents for Interstate Calls using traditional fiber optic lines. Our Voice Over Internet (VOIP) plans offers you low cost, high quality telephone services over the IP backbone. All of our VOIP plans allow you to make intrastate calls at the lowest possible rates and some of them will even allow you to call all 50 states for the same low price. You can take advantage of our one of a kind "combo" service, which provides you with both traditional 1+ dialing and VOIP all on the same line. This give you the opportunity to choose how you can save the most per call!



- o in:Dialing
- 24 hours a day/7 days a w
- Capable of 3 way calling
 Fiesidential & Business service
- State to State within lower 48
- No long-term commitments

Voice Over Inte

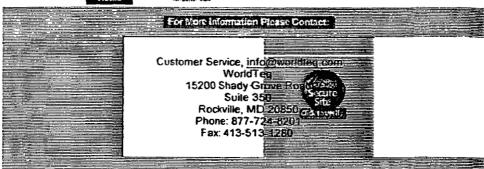


- No per minute che
- Keep your present j.
- Very fast activation . Low cost, high quality service
- Optional 3way calling
- Nationally as

Man lie



- Low-cock, high quality servace
 Capable of 3way calling
 No Long term commitments



DOCKET NO. 011653-TI

DATE: January 24, 2002





WorldTea

Long Distance

Residential & Business service as low as...

1+ Dialing and Voice Over Internet (VOIP) option

you are a weekend caller, Small Office Home Office (SOHO), or a large Corporation, we have a plan to fit your needs!

•—1+ Dialing Plans

Order online now

Plan Code

30-USA "First Choice"

> 50-USA "The Max"

20-USC "The North American"

21-ARC . "The International"

30-USC "North American Max"

5 USA "The New Economy"

> 21-USA "The Economy"

Plan Description

3000 minutes State to State (48 contiguous States) 5000 minutes State to State (48 contiguous States)

2000 minutes State to State with Canada 2100 minutes State to State with Canada &

United Kingdom 3000 minutes State to State with Canada

500 minutes State to State 1.00 m

> 2100 minutes State to State -(48 configuous States)

Cost

\$79.95

12.66¢ a minute) (\$4.99 Set up & \$3.99 MRC) \$99.99

(1.99¢ a minute) (\$4,99 Sel up & \$3.99 MRC) \$79.99

(3.99¢ a minute) (\$4.99 Set up & \$3.99 MRC) \$89.99

(4.30¢ a minuté) (\$4.99.56) up 4.\$3.99 MRC)

\$99.58 (13.30¢ a minute) (\$4.99 Selup & \$3.99 NRC)

\$19.90 (3.99¢ a minute) (\$430 Set up \$ \$3.00 MRC)

\$59.99 (2.85¢ a minute) (\$490 Setup & \$3.99 MRC)

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Plan Specifications

- In addition to monthly cost, each plan has a \$3.99 MRC (monthly recurring fee)
- Each plan has a one-time \$4.99 setup fee
- All plans are billed in 60 second increments
- "State to State" is defined as the 48 Contiguous states. Calls to Alaska and Hawaii are \$0.19 p/m and are charged in addition.
- Minutes that go over plan limit will be billed at \$0.069 U.S., \$0.10 Canada and U.K.
- The 20-USC, 21-ARC and 30-USC plans are total combined minutes
- All calls terminating in non-RBOC areas (Regional Bell Operating Company) will be subject to a surcharge of \$0.0175 per minute
- Intrastate rates will be charged at your state rate from list below
- International Rates will be charged at the current rates from the list below

Florida

Choose Country

Order online now

Home

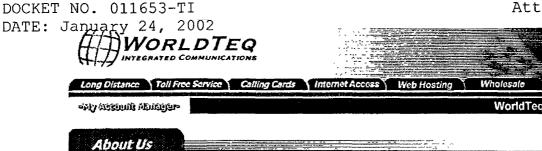
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5900

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For More Information Please Contact:

Attachment G



WorldTeq, Inc. is a wholly owned subsidiary of <u>A1 Internet.com, Inc.</u> (OTCBB: <u>AWON</u>), and provides superior quality services at competitive prices to individuals and businesses.

If you have any questions about this site or need to speak to a customer service representative, please call toll free 1.877.724.8201 and remember to give them your agent ID (50001-0001-001). You can also email us at info@worldteg.com.

To reach us at our corporate headquarters call us at 301.296.4234 or fax to 413.513.1280.

