Exhibit E

Recent Correspondence with USAC Regarding Denials

E-mail from C. Schultz to Andy Eisley and Kristy Carroll dated October 19, 2006

Schultz, Cynthia

From: Schultz, Cynthia
Sent: Thursday, October 19, 2006 5:16 PM
To: 'aeisley@usac.org'
Cc: Kristy Carroll; Schultz, Cynthia
Subject: SEND Technologies/NEXUS Systems Appeals

Andy,

I am working with Jennifer Richter as counsel representing SEND Technologies and Nexus Systems in their ongoing E-rate appeals. This communication addresses only the administrative concerns and questions and not the merits of the appeal, which will be handled separately.

Recently, SLD issued incorrect and confusing Revised FCDLs and Further Explanation of Administrator's Funding Decision Letters. I am hoping that you can provide some immediate guidance and clarity.

Brief Summary of Issue

- **Every Revised FCDL provides incorrect notice as to whether the appeal was denied or granted.**
- **Every Revised FCDL and attached Funding Commitment Report did not contain ANY DENIAL reason to support the denial.**
- **A Further Explanation of Administrator's Funding Decision Letter was sent 22 days after the incorrect Revised FCDLs.**
- **The Further Explanation of the Administrator's Funding Decision Letter neither contained a date nor addressee.**

Brief Summary of Facts

1. On September 21, 2006, USAC sent the applicant and SEND a Revised FCDL for SPIN 143010002, with no explanation in the opening paragraph as to whether the appeal had been granted or denied. Attached to that RFCDL is a Funding Commitment Report that covers 3 denied FRNs.

The most egregious and disturbing part of this denial is the complete lack of a funding commitment decision explanation. The Funding Commitment Report merely states: "As per FCC Order 6-55 you were given an opportunity to explain similarities seen between your application and those of other applicants that chose the same service provider. A separate letter is being sent that has a full explanation of why your appeal is not being granted."

22 days later, on or about October 13, 2006, USAC sent a Further Explanation of Administrator's Funding Decision Letter to the applicant. The letter neither contains a date or addressee. The only proof of date mailed is on the envelope.

2. On September 22, 2006, USAC sent the applicants and SEND a Revised FCDL for SPIN 143010002, stating that the appeal had been approved. Attached to that RFCDL is a Funding Commitment Report that covers 21 FRNs. Of the 21 FRNs, 6 were approved (De Soto Parish) and the remaining 15 were denied. The RFCDL made no mention in the opening paragraph that any of the FRNs were denied.

Again, the most egregious and disturbing part of this denial is the complete lack of a funding commitment decision explanation. The Funding Commitment Report merely states: "As per FCC Order 6-55 you were given an opportunity to explain similarities seen between your application and those of other applicants that chose the same service provider. A separate letter is being sent that has a full explanation of why your appeal is not being granted."

22 days later, on October 13, 2006, USAC sent a Further Explanation of Administrator's Funding Decision Letter to the applicant. The letter neither contains a date or addressee. The only proof of date mailed is on the envelope.

3. On September 22, 2006, USAC sent the applicants and Nexus Systems a Revised FCDL for SPIN 143027251, stating that the appeal had been approved. Attached to that RFCDL is a Funding Commitment Report that covers 3 FRNs. ALL 3 FRNs were denied.

Again, the most egregious and disturbing part of this denial is that the RFCDL is INCORRECT and a complete lack of a funding commitment decision explanation. The Funding Commitment Report merely states: "As per FCC Order 6-55 you were given an opportunity to explain similarities seen between your application and those of other applicants that chose

the same service provider. A separate letter is being sent that has a full explanation of why your appeal is not being granted."

22 days later, on or around October 13, 2006, USAC sent a Further Explanation of Administrator's Funding Decision Letter to the applicant. The letter neither contains a date or addressee. The only proof of date mailed is on the envelope.

Given the facts above, it remains unclear as to when the clock begins to run for these appeals. The Revised FCDL did not provide a funding commitment decision explanation and the Further Explanation of Administrator's Funding Decision letter did not provide a date. As a result, please provide us with the exact date when the clock for these appeals begins to run. The Rule provides that the controlling date is the date of the decision letter. In this case, all of the letters are undated.

In addition, we are also requesting a copy of the administrative record to support SLD's denial in order to review and address the merit of the denials. It is critical that we receive your response as soon as possible.

Thank you very much for your prompt attention to this matter. Please let me know whether you would like me to forward any of the above-referenced documentation to your attention to expedite the process. Also, please do not hesitate to contact me should you have any questions.

Sincerely,

Cynthia

Cynthia B. Schultz
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2550 M Street, NW
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cschultz@pattonboggs.com

E-mail from Kristy Carroll to Cynthia Schultz dated October 27, 2006

From: Kristy Carroll [mailto:kcarroll@usac.org]
Sent: Friday, October 27, 2006 8:16 AM
To: Schultz, Cynthia
Cc: David Capozzi
Subject: RE: Contact with SLD

Cynthia –

[Language redacted as it pertains to matters unrelated to instant appeal]

You met with us to discuss a specific client's issues and also brought up the issue of the RFCDLs and Further Explanation letters that had been issued to SEND Technologies. With respect to the latter, I informed you that the appeals window begins to run with the issuance of the RFCDL and that program participants who have found themselves in a similar situation in that they do not have all the information they need to support their appeal by the close of the appeals window have taken the following approach: They have submitted an appeal within the window and stated in the appeal that they will be supplementing the appeal with additional information. Because I provided this information to you, I was surprised to see your lengthy e-mail to Andy asking basically the same question.

[Language redacted as it pertains to matters unrelated to the instant appeal.]

--Kristy

E-mail from Cynthia Schultz to Dave Capozzi (multiple dates)

Schultz, Cynthia

From: David Capozzi [dcapozzi@usac.org]
Sent: Friday, November 10, 2006 8:15 AM
To: Schultz, Cynthia
Subject: Re: SEND/NEXUS Request for Clarification on Appeals

Cynthia,

I will loolk into this and stay in touch with you.

Dave

----- Original Message -----
From: Schultz, Cynthia <CSchultz@PattonBoggs.com>
To: David Capozzi
Cc: Scott Barash; Mel Blackwell; Richter, Jennifer <JRichter@PattonBoggs.com>
Sent: Fri Nov 10 08:12:54 2006
Subject: Re: SEND/NEXUS Request for Clarification on Appeals

Dave,

Thank you. Many things appear to be terribly broken with the handling of this appeal as set forth in my previous e-mails. Most notably, the applicants and service provider's right to due process.

I sincerely hope that you will be able to look into the systemic procedural and substantive errors in the handling of appeals at the SLD in the months ahead and fix them. In addition, it appears most inappropriate that individuals who were involved in making the original decision leading to denial remain continouosly involved at the appellate level.

Regrettably, our attempts to seek clarification and proper redress at the administrative level at USAC have been futile. This is most unfortunate for the children of Louisiana.

We will proceed accordingly.

Best regards,

Cynthia

-----Original Message-----
From: David Capozzi
To: Schultz, Cynthia
Sent: Fri Nov 10 07:26:25 2006
Subject: Re: SEND/NEXUS Request for Clarification on Appeals

Cynthia,

We are looking into this. Please ensure you don't let any appeal deadlines pass without preserving your rights. I cannot guarantee addressed in the next five days.

Dave

----- Original Message -----
From: Schultz, Cynthia <CSchultz@PattonBoggs.com>
To: David Capozzi
Cc: Richter, Jennifer <JRichter@PattonBoggs.com>; Schultz, Cynthia <CSchultz@PattonBoggs.com>
Sent: Thu Nov 09 23:39:37 2006
Subject: RE: SEND/NEXUS Request for Clarification on Appeals

Dave,

I would very much appreciate an update on this request. We continue to operate on SLD's position that the appeal deadline runs in 5 business days, on November 20th, despite the fact that, to date, SEND/NEXUS has still not received a Further Explanation Letter that even supports the denial. In addition, I still have not received the underlying administrative record, which I requested on October 19, 2006.

Your immediate assistance and attention are greatly appreciated.

Cynthia

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cschultz@pattonboggs.com

From: Schultz, Cynthia
Sent: Monday, November 06, 2006 4:23 PM
To: 'David Capozzi'
Cc: Richter, Jennifer
Subject: RE: SEND/NEXUS Request for Clarification on Appeals

Thanks, Dave. I'll look forward to hearing from you.

Cynthia

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From: David Capozzi [mailto:dcapozzi@usac.org]
Sent: Monday, November 06, 2006 4:10 PM
To: Schultz, Cynthia
Subject: RE: SEND/NEXUS Request for Clarification on Appeals

Cynthia,

I will get to is as soon as possible this week, then will get back to you concerning a meeting.

Dave

From: Schultz, Cynthia [mailto:CSchultz@PattonBoggs.com]
Sent: Monday, November 06, 2006 2:47 PM
To: David Capozzi
Subject: SEND/NEXUS Request for Clarification on Appeals
Importance: High

Dave,

Have you had a chance to review the information below? Can we meet this week?

Thanks.

Best regards,

Cynthia B. Schultz
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Tel. (202) 457-6343
Fax.(202) 457-6315
cschultz@pattonboggs.com

From: Anderson, Carla
Sent: Friday, November 03, 2006 12:25 PM
To: 'dcapozzi@usac.org'
Cc: Richter, Jennifer
Subject: On behalf of Cynthia Schultz SEND/NEXUS Request for Clarification on Appeals
Importance: High

Carla Anderson

Secretary to Cynthia Schultz

Patton Boggs

Dave,

Thank you for taking the time to talk to me about the revised FCDLs (RFCDL) that were issued as a result of FCC Order 05-55, released on May 19, 2006, in which the FCC found that USAC improperly denied the funding requests "without sufficiently determining that the service providers improperly participated in the applicant's bidding process." I am providing you with some background information to put our concerns in context.

The FCC further found that "[t]he 'pattern analysis' procedure may be helpful to identify applications for further review to determine if the applicant violated our competitive bidding rules; however, the mere presence of similar language in Form 470s by different program participants ultimately seeking the same service provider is not sufficient of a rule violation." (Emphasis added).

Notably, the FCC also found that "when USAC suspects a service provider has improperly participated in applicants' bidding process due to the results of its 'pattern analysis' procedure, it is incumbent on USAC to conduct further investigation and analysis prior to denying funding. Specifically, USAC should review these applications fully, and should not issue summary denials of requests for solely because applications contain similar language." (Emphasis added).

Finally, the FCC ordered that "USAC SHALL COMPLETE its review of each remanded application (and issue an award or denial based on a complete review and analysis) listed in the Appendix no later that 120 days from release of this Order." 120 days from the release date of May 19th is September 16, 2006. SEND directly appealed USAC's denials as set forth in paragraphs 5-7 in the Appendix of FCC Order 06-55. (Emphasis added).

We believe that the key problematic procedural and substantive errors in USAC's response to the FCC's remand are as follows:

1. USAC sent RFCDLs to SEND/NEXUS on September 21 and 22, respectively, after the 120 day deadline set forth in the FCC Order.

2. The opening paragraph of every RFCDL was incorrect. See e-mail to Kristy Carroll and Andy Eisley.

3. NO RFCDL contained any justification for the denial reason, thereby failing to meet the FCC Order that USAC conduct a complete and final review and analysis.

4. No Funding Commitment Report attached to each RFCDL contained a justification reason for the denial. Instead, the reason provided is "As per FCC Order 06-55 you were given an opportunity to explain similarities seen between your application and those of other applicants that chose the same service provider. A separate letter is being sent that has a full explanation of why your appeal is not being granted."

5. A Further Explanation Letter was sent to Richland Parish. The Letter is undated and contains no addressee. The only proof of date is the postmark of October 13, 2006 on the envelope—27 days after the 120 day deadline ordered by the FCC.

6. To date, SEND/NEXUS has never received a Further Explanation Letter to support USAC's denial. In essence more than 45 days has passed and USAC has still failed to properly notice and substantiate its denial reason.

7. The Further Explanation Letter also stated that an FCDL would be sent under separate cover at a future date. To date, no such further FCDLs have been received.

Initially, I raised concern about some these procedural errors and irregularities in a meeting with Mel and Kristy. Specifically, when I inquired as to USAC's position on which date set the clock for appeal, I was advised that we should use the date of the original RFCDL. After further review, it became apparent that there were additional procedural errors (as noted above), which I brought to the attention to Kristy and Andy in a follow-up e-mail. Again, I was advised to use the date of the original RFCDL.

It appears that USAC, in its haste to meet the 120 day response period set for thin FCC Order 06-55, sent out an incomplete RFCDL that did not comply with the Order.

Finally, not only are we concerned with USAC's failure to properly notice its denial reason, but also with its failure to substantiate its denial reason. While USAC makes a finding that the applicant filled out and submitted the Form 470 without assistance from the service provider, it, nevertheless, denies the application. The rationale appears to that the applicant did "not explain why the FCC Form 470 Summary of Needs and Services is similar to those of other applicants who requested the same service provider."

Clearly, the burden is on USAC to substantiate an FCC rule violation based upon findings of fact instead of mere suspicion. The denial reason provided does not point to any fact to substantiate the denial. Instead, the denial reasons provided by USAC appear to be, yet again, a summary dismissal of SEND's FRNs that remain unsubstantiated by facts and a reasoned analysis. This appears to be in direct contravention of the FCC Remand order.

Given the foregoing, we are requesting your intervention to reconsider USAC's procedural and substantive findings in this matter. We would appreciate an opportunity to meet with you to bring final resolution to these issues so that we may advise our client appropriately as to next steps. Given USAC's current position that the appeal clock begins to run with the issuance of the original RFCDL, we would request a meeting early next week as your schedule permits.

Thank you very much for your attention to this matter.

Best regards,

Cynthia

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E-mail from Cynthia Schultz to Kristy Carroll dated October 27, 2006

Schultz, Cynthia

From: Schultz, Cynthia
Sent: Friday, October 27, 2006 6:49 PM
To: Kristy Carroll
Cc: 'David Capozzi'; Schultz, Cynthia
Subject: SEND/NEXUS Request for Administrative Record
Attachments: SEND Technologies/NEXUS Systems Appeals

Kristy:

In my attached e-mail of October 19, 2006, I requested the administrative record that supports the SLD's decision in its undated and unaddressed Further Explanation letters for Form 471 App. #s 363968, 291953, 301743, 360815, 404404. Could you please let me know when I can expect to receive that documentation?

The Further Explanation Letters also indicate that SLD will be sending separate FCDLs under separate cover that postdate the Further Explanation letters. To the best of my knowledge, the postmark on one of the undated Further Explanation letters is October 13, 2006, but no FCDL has issued. Specifically, the letters state:

"Under separate cover, you are being sent a Funding Commitment Decision Letter concerning the Form 471 Application Number cited above. This Funding Commitment Decision Letter denies the Funding Request Number (FRN). Please be advised that the Funding Commitment Decision letter is the official action on this application by the Universal Service Administrative Company (USAC). Please refer to that letter for instructions regarding how to appeal the Administrator's decision, if you wish to do so."

Could you please advise me as to when SLD intends to issue the FCDLs that it references in these letters that are to be deemed the official action?

Thank you very much.

Best regards,

Cynthia

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