

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)
)
PAPPAMMAL KURIAN)
)
Petitions for Reconsideration)

ORDER ON RECONSIDERATION

Adopted: April 13, 2010

Released: April 14, 2010

By the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau:

1. *Introduction.* This *Order on Reconsideration* dismisses two petitions for reconsideration as defective. On May 10, 2009, Pappammal Kurian (Ms. Kurian) filed petitions for reconsideration¹ of two decisions² by the Wireless Telecommunications Bureau, Mobility Division (Division). The first decision denied Ms. Kurian's objections to an assignment application and a cancellation application filed by Richard R. Susainathan (Susainathan). The second decision granted the objections of Susainathan, Jose Francis, Joy Francis, and Satheeshmoorthy Punniamurthy (collectively, Affected Parties) to applications filed by Ms. Kurian for administrative update, assignment of authorization, and notification of consummation of assignment of authorization. For the reasons discussed below, we dismiss the petitions.

2. *Background.* Pursuant to the Marital Property Settlement Agreement (Settlement Agreement) executed by Ms. Kurian and her former husband, Thomas K. Kurian (Mr. Kurian), and approved by the District Court of Clark County, Nevada, Family Division (Family Court) in 2005, Ms. Kurian was awarded as her sole and separate property certain business entities, including S M Leasing and Rental Ltd. dba Spectrum Wireless Corp. (S M Leasing).³ The Family Court denied Susainathan's motion to intervene in the divorce proceeding, stating that it had not made a determination of the ownership of S M Leasing with relation to third parties who were not parties to this divorce action, and that the ownership of S M Leasing could be determined in separate litigation filed by Susainathan against Ms. Kurian in Clark County, Nevada District Court (Civil Court).⁴ The Civil Court held an evidentiary hearing and concluded that Ms. Kurian holds an interest in S M Leasing, but referred the matter to the

¹ Petitions for Reconsideration (filed May 10, 2009) (Petitions); *see also* Supplement to the Petitions for Reconsideration (filed May 18, 2009).

² Pappammal Kurian, *Letter*, 24 FCC Rcd 4842 (WTB MD 2009) (*Susainathan Decision*); Jose N. Francis, *Letter*, 24 FCC Rcd 4834 (WTB MD 2009) (*Francis Decision*).

³ Settlement Agreement at 1, attached to Kurian v. Kurian, Case No. D30700, *Decree of Divorce* (Dist. Ct. Family Div., Clark County, Nev. July 1, 2005). In addition, Mr. Kurian agreed to transfer to Ms. Kurian any and all FCC licenses then held in his name or in the names of the businesses awarded to her. *Id.* at 2; *see also* Kurian v. Kurian, Case No. D30700, *Order of the Court* at 2 (Dist. Ct. Family Div., Clark County, Nev. July 12, 2005).

⁴ Kurian v. Kurian, Case No. D30700, *Order Denying Motion to Intervene* at 2 (Dist. Ct. Family Div., Clark County, Nev. Nov. 9, 2005); *see also* Kurian v. Kurian, Case No. D30700, *Decision* at 1 (Dist. Ct. Family Div., Clark County, Nev. Aug. 4, 2005) (denying Ms. Kurian's motion to add counterclaims against, *inter alia*, Susainathan, on the grounds that a claim against Susainathan would be properly filed in Civil Court rather than Family Court); Kurian v. Kurian, Case No. D30700, *Order Dismissing Counter-Claims for Civil Conspiracy* at 2 (Dist. Ct. Family Div., Clark County, Nev. Mar. 6, 2007) (dismissing counterclaim by Ms. Kurian against Susainathan).

Family Court to determine the extent of her interest.⁵ It appears that this litigation remains pending, and the Nevada courts have not yet reached a final determination of these matters.

3. In 2006, Susainathan filed an application to assign sixty-nine licenses from S M Leasing to himself.⁶ Ms. Kurian filed a petition to deny the application on the grounds that, pursuant to the Settlement Agreement, she is the owner of S M Leasing.

4. In 2007, Ms. Kurian filed applications to list herself as the contact for, assign to herself, and notify the Commission of the consummation of the assignment of, sixty-one licenses for which the Affected Parties were the licensees of record.⁷ The Affected Parties filed petitions for reconsideration of the applications that had been granted and petitions to deny the applications that were still pending, on the grounds that the Settlement Agreement did not award Ms. Kurian any licenses held in their names.

5. In 2008, Susainathan filed an application to cancel S M Leasing's license for Station WPTG843, Dallas, Texas.⁸ Ms. Kurian filed an informal objection to the application on the grounds that, pursuant to the Settlement Agreement, she is the owner of S M Leasing.

6. In 2009, the Division denied Ms. Kurian's petition to deny Susainathan's assignment application and informal objection to Susainathan's cancellation application,⁹ and granted the Affected Parties' petitions opposing Ms. Kurian's administrative update, assignment, and notice of consummation of assignment applications.¹⁰ The Division stated that the Commission has a long-standing policy of not interfering in private contractual matters absent a showing of a violation of a Commission rule or a federal statute, but will accommodate court decrees that are final, unless it finds that it is in the public interest to do otherwise.¹¹ The Division pointed out, however, that it had not been presented with any final court order definitely holding that Ms. Kurian is entitled to sole ownership of S M Leasing,¹² or is vested with legal authority to file applications pertaining to licenses in the names of the Affected Parties.¹³ Ms. Kurian filed petitions for reconsideration of both decisions.

7. *Discussion.* Ms. Kurian failed to serve the petitions for reconsideration on the other

⁵ See *Susainathan v. Kurian*, Case No. A505829, *Order* at 2, 3 (Dist. Ct. Clark County, Nev. Jan. 18, 2006). In addition, Susainathan and others have filed suit against Ms. Kurian regarding these and other licenses. See *Francis v. Kurian*, Case No. A555891, *Complaint* (Dist. Ct., Clark County, Nev. filed Jan. 24, 2008).

⁶ FCC File No. 0002566618.

⁷ FCC File Nos. 0003252038, 0003252045, 0003252052, 0003252056, 0003252057, 0003252069, 0003252098, 0003253275, 0003253397, 0003254480, 0003252029, 0003252030, 0003252031, 0003252032, 0003252037, 0003252041, 0003252042, 0003252060, 0003252062, 0003252063, 0003252064, 0003252065, 0003252078, 0003252080, 0003252082, 0003252083, 0003252089, 0003252102, 0003252104, 0003252947, 0003253054, 0003253079, 0003254483, 0003252090, 0003252040, 0003252059, 0003252061, 0003252067, 0003252068, 0003252093, 0003252099, 0003252105, 0003254591, 0003252035, 0003252043, 0003252046, 0003252047, 0003252048, 0003252053, 0003252054, 0003252055, 0003252058, 0003252066, 0003252070, 0003252079, 0003252081, 0003252084, 0003252085, 0003252086, 0003252091, 0003252092, 0003252096, 0003252097, 0003252103, 0003254520.

⁸ FCC File No. 0003300927.

⁹ See *Susainathan Decision*, 24 FCC at 4846.

¹⁰ See *Francis Decision*, 24 FCC Rcd at 4839.

¹¹ See *id.* at 4837-38; *Susainathan Decision*, 24 FCC at 4844-45.

¹² See *Susainathan Decision*, 24 FCC at 4845.

¹³ See *Francis Decision*, 24 FCC Rcd at 4838.

parties to the proceeding, in violation of Section 1.106(f) of the Commission's Rules.¹⁴ We therefore dismiss the petitions as procedurally defective.¹⁵

8. In any event, the petitions only reiterate Ms. Kurian's argument that the Settlement Agreement entitles her to exercise control over the licenses held in the name of S M Leasing and the Affected Parties.¹⁶ She fails to provide any final court order conclusively resolving these ownership issues, or any other evidence or argument not previously considered. Reconsideration is appropriate only where the petitioner either demonstrates a material error or omission in the underlying order or raises additional facts not known or not existing until after the petitioner's last opportunity to present such matters.¹⁷ The petitions filed by Ms. Kurian fail to satisfy this requirement.

9. Accordingly, IT IS ORDERED that, pursuant to Sections 4(i) and 405 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 405, and Section 1.106 of the Commission's Rules, 47 C.F.R. § 1.106, that the petitions for reconsideration submitted by Pappammal Kurian on May 10, 2009 ARE DISMISSED.

10. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone
Deputy Chief, Mobility Division
Wireless Telecommunications Bureau

¹⁴ 47 C.F.R. § 1.106(f).

¹⁵ See, e.g., Petition for Limited Clarification of Frontline Wireless, LLC, *Order*, 24 FCC Rcd 14899, 14900 ¶ 3 (2009) (citing Thomas K. Kurian, *Second Order on Further Reconsideration*, 22 FCC Rcd 20970 (WTB MD 2007)).

¹⁶ See Petitions at 2.

¹⁷ See *WWIZ, Inc.*, 37 FCC 685, 686 ¶ 2 (1964), *aff'd sub. nom. Lorain Journal Co. v. FCC*, 351 F.2d 824 (D.C. Cir. 1965), *cert. denied*, 383 U.S. 967 (1966).