

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

In the Matter of)	
)	
PAPPAMMAL KURIAN)	Call Signs WNVJ741, WPIQ777,
)	WPTG843, WPXC618, WPXY504, and
Request for Reinstatement of Licenses)	WQAQ340
)	
THOMAS KURIAN)	Call Signs KNNF731 and WQO982

ORDER AND ORDER PROPOSING MODIFICATION

Adopted: October 26, 2011

Released: October 28, 2011

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

1. *Introduction.* In this *Order and Order Proposing Modification*, we grant in part and deny in part a request by Pappammal Kurian (Ms. Kurian) to reinstate the six captioned private land mobile radio licenses.¹ The licenses were canceled while they were controlled by other parties, before a state court determined that Ms. Kurian was the proper owner. As discussed below, we will reinstate the licenses for Stations WNVJ741, WPIQ777, WPXC618, and WQAQ340, but we decline to reinstate the licenses for Stations WPTG843 and WPXY504. In addition, we grant Ms. Kurian waivers of the construction, discontinuance, and license renewal rules in order to give her a reasonable opportunity to restore the licensed stations to operational status in compliance with the Commission's requirements. Finally, we propose to modify the licenses of Thomas Kurian (Mr. Kurian) for Stations KNNF731 and WQO982 to delete frequencies that he added to those licenses from Stations WNVJ741, WPIQ777, and WQAQ340.

2. *Background.* In connection with their divorce, Ms. and Mr. Kurian executed a Marital Property Settlement Agreement (Settlement Agreement), under which he agreed to convey to her all FCC licenses then held in his name or in the names of certain business entities awarded to her in the Settlement Agreement, including S M Leasing and Rental Ltd. (S M Leasing).² At that time, the above-captioned licenses were held by S M Leasing, with Richard Susainathan (Susainathan) listed as the contact. The District Court of Clark County, Nevada, Family Division approved the Settlement Agreement on July 1, 2005,³ and subsequently denied Susainathan's request to intervene in support of his claim that he, and not Mr. Kurian, was the true owner of S M Leasing.⁴ The court explained that Susainathan's claim could be adjudicated in separate litigation between him and Ms. Kurian that was pending in state court.⁵

3. In 2006, Susainathan filed an application with the Commission to assign certain licenses, including above-captioned licenses, from S M Leasing to himself.⁶ One of the stations listed in the

¹ See Pappammal Kurian Request for Reinstatement of Licenses (filed May 4, 2011) (Reinstatement Request).

² Settlement Agreement at 2, attached to *Kurian v. Kurian*, Case No. D30700, *Decree of Divorce* (Dist. Ct. Family Div., Clark County, Nev. July 1, 2005).

³ *Id.*

⁴ See *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 *Susainathan v. Kurian*, Case No. A505829 (Dist. Ct. Clark County, Nev.).

⁵ *Id.*

⁶ See FCC File No. 0002566618 (filed Apr. 11, 2006, amended Apr. 10, 2007 and Apr. 26, 2007).

assignment application, Station WPXY504, was authorized to operate on two frequency pairs in Mobile, Alabama, that were subject to mandatory retuning under the Commission's 800 MHz rebanding plan.⁷ During the course of S M Leasing's rebanding negotiations with Southern Communications Services, Inc. d/b/a SouthernLINC Wireless (SouthernLINC Wireless) and Sprint Nextel Corporation (Sprint), questions arose regarding the station's operational status.⁸ In response to an inquiry from the Commission's Enforcement Bureau,⁹ Susainathan reported that the station had been taken out of operation in February 2006.¹⁰ In 2007, the Wireless Telecommunications Bureau's Mobility Division (Division) accordingly concluded that the station had permanently discontinued operation and that the license had therefore canceled automatically under Section 90.157 of the Commission's Rules.¹¹ The Division then terminated the license for Station WPXY504 and removed it from the assignment application. In 2008, rebanded 800 MHz Specialized Mobile Radio licenses for the Mobile area that included the former Station WPXY504 frequencies were issued to SouthernLINC Wireless (Station WPSA355) and Sprint (Station WQJP867).

4. Another S M Leasing station, Station WPTG843, was authorized to operate on a channel in Dallas that had formerly been assigned to the Dallas Area Rapid Transit Authority (DART). The Division denied DART's request to reinstate its authorization, because the spectrum had been reassigned after DART's former license expired.¹² In 2008, DART filed a new application for the channel, with a letter of concurrence from S M Leasing.¹³ Two days after DART's application was granted, S M Leasing filed an application to cancel its license for Station WPTG843.¹⁴

5. Ms. Kurian opposed both the application to assign the licenses from S M Leasing to Susainathan and the application to cancel the license for Station WPTG843 on the grounds that she was the true owner of S M Leasing and had not authorized Susainathan to assign or cancel any of the licenses.¹⁵ Susainathan countered that he owned S M Leasing and the company should not have been included in the Kurians' marital estate.¹⁶

⁷ See Improving Public Safety Communications in the 800 MHz Band, *Report and Order, Fifth Report and Order, Fourth Memorandum Opinion and Order, and Order*, WT Docket No. 02-55, 19 FCC Rcd 14969 (2004).

⁸ See SM Leasing & Rental Ltd., *Memorandum Opinion and Order*, 22 FCC Rcd 6657, 6659 ¶ 9 (PSHSB 2007). SouthernLINC Wireless worked cooperatively with Sprint on rebanding negotiations in regions where both companies operated Enhanced Specialized Mobile Radio Service systems. *Id.* at 6657 n.1.

⁹ Letter, dated Mar. 27, 2007, from Kathryn S. Berthot, Chief, Spectrum Enforcement Division, Enforcement Bureau, to Richard R. Susainathan.

¹⁰ Letter, dated Apr. 27, 2007, from Richard R. Susainathan to Katherine Power, Esq., Spectrum Enforcement Division, Enforcement Bureau, at 2.

¹¹ See Letter, dated July 6, 2007, from Scot Stone, Deputy Chief, Mobility Division, Wireless Telecommunications Bureau, to Richard R. Susainathan (citing 47 C.F.R. § 90.157 (providing that a private land mobile radio license "shall cancel automatically upon permanent discontinuance of operations" and further providing that "any station which has not operated for one year or more is considered to have been permanently discontinued")).

¹² See Samuel Moses, *Order on Reconsideration*, 22 FCC Rcd 7425, 7427 ¶ 6 (WTB MD 2007), *aff'g in pertinent part Order*, 21 FCC Rcd 7205 (WTB PSCID 2006), *app. for review withdrawn*, Elizabeth R. Sachs, *Letter*, 24 FCC Rcd 9018 (WTB MD 2009).

¹³ See FCC File No. 0003281568 (filed Jan. 10, 2008).

¹⁴ See FCC File No. 0003300927 (filed Jan. 18, 2008).

¹⁵ See Pappammal Kurian Petition to Deny (filed Apr. 12, 2007); Pappammal Kurian Petition to Deny (filed Jan. 30, 2008).

¹⁶ See, e.g., S M Leasing Opposition (filed Feb. 8, 2008).

6. In 2009, the Division denied Ms. Kurian's objections and processed the assignment and cancellation applications.¹⁷ It explained that the Commission is not the proper forum for the resolution of private disputes, and that the Commission defers to the courts in such matters, and will accommodate final court decrees unless it finds compelling public interest reasons to do otherwise.¹⁸ The Division noted, however, that the litigation between Susainathan and Ms. Kurian was still pending and that, in the absence of the requisite definitive court order, there was nothing in the Commission's rules and policies that would preclude granting the applications.¹⁹ Susainathan then assigned the licenses for Stations WNVJ741, WPIQ777, WPXC618, and WQAQ340 to Mr. Kurian.²⁰

7. Station WNVJ741 was authorized to operate on 800 MHz band frequencies in Las Vegas. After that license was assigned to him, Mr. Kurian modified his license for Station WQO982, which was authorized to operate on other 800 MHz band frequencies in the Las Vegas area, to add the Station WNVJ741 frequencies.²¹ He stated that his intent was to add spectrum from his "currently licensed" Station WNVJ741 to Station WQO982.²² Mr. Kurian canceled the license for Station WNVJ741 in 2009.²³

8. Stations WPIQ777, WPXC618, and WQAQ340 were authorized to operate on 900 MHz band frequencies in the Las Vegas area.²⁴ After those licenses were assigned to him, Mr. Kurian modified his license for Station KNNF731, which was authorized to operate on other 900 MHz band frequencies in the Las Vegas area, to add frequencies that were assigned to Stations WPIQ777 and WQAQ340.²⁵ He stated that his intent was to add spectrum from his "currently licensed" Station WPIQ777 to Station KNNF731.²⁶ Mr. Kurian canceled the licenses for Stations WPIQ777, WPXC618, and WQAQ340 in March 2010.²⁷

9. In August 2010, the Nevada state court issued its judgment in the litigation between Susainathan and Ms. Kurian. Among other things, it awarded to Ms. Kurian, subject to the consent of the Commission, all of the disputed S M Leasing licenses, including the six licenses at issue in this proceeding.²⁸ The S M Leasing licenses that were still active were then assigned to Ms. Kurian.²⁹

¹⁷ See Pappammal Kurian, *Letter*, 24 FCC Rcd 4842 (WTB MD 2009) (2009 *Letter Ruling*), *pet. for recon. dismissed*, *Order on Reconsideration*, 25 FCC Rcd 3686 (WTB MD 2010).

¹⁸ *Id.* at 4844-45.

¹⁹ *Id.* at 4343-45. The Division emphasized that its decision was not based on any finding regarding the ownership of S M Leasing. *Id.* at 4845 n.23.

²⁰ See FCC File Nos. 0003915191 (filed July 28, 2009) (WNVJ741), 0003946875 (filed Aug. 25, 2009) (WPIQ777), 0003957109 (filed Sept. 4, 2009) (WPXC618), 0003993720 (filed Oct. 13, 2009) (WQAQ340).

²¹ See FCC File Nos. 0003947529 (Aug. 25, 2009), 0004036432 (filed Nov. 17, 2009).

²² See *Letter*, dated Aug. 21, 2009, from Thomas K. Kurian to Federal Communications Commission (attached to application FCC File No. 0003947529).

²³ See FCC File No. 0004009277 (filed Oct. 27, 2009).

²⁴ Station WQAQ340 also was authorized to operate at a site in California.

²⁵ See FCC File No. 0004012350 (filed Oct. 29, 2009). All of the Station WPXC618 and WQAQ340 frequencies also were authorized under Call Sign WPIQ777.

²⁶ See *Letter*, dated Oct. 27, 2009, from Thomas K. Kurian to Federal Communications Commission (attached to application FCC File No. 0004012350).

²⁷ See FCC File Nos. 0004143990-92 (filed Mar. 3, 2010).

²⁸ See *Susainathan v. Kurian*, Consolidated Case Nos. A505829, A514179, A555891, *Judgment Upon Jury Verdict* (Dist. Ct., Clark County, Nev. Aug. 11, 2010) at ¶ 28.

10. *Discussion.* In the present proceeding, Ms. Kurian seeks licenses for the six former S M Leasing stations that were canceled while the Nevada litigation was pending. She contends that the licenses were canceled by Susainathan and Mr. Kurian to prevent her from obtaining them even if she were to prevail in the Nevada court litigation, and argues that letting the cancellations stand would be a “harsh and unjust result.”³⁰ Ms. Kurian also requests a waiver of the Commission’s construction and operation rules to allow her to make use of the reinstated licenses, as a matter of equity and fairness.³¹ DART, SouthernLINC Wireless, and Mr. Kurian oppose the reinstatement request.³²

11. Prior to issuance of the Nevada state court judgment, the Division correctly declined to act on Ms. Kurian’s assertion that she, and not Susainathan, owned S M Leasing, in light of the Commission’s policy of deferring to the courts with respect to private disputes.³³ Now, however, the court has clearly ruled that Ms. Kurian was and is the rightful owner of S M Leasing, and that, subject to Commission licensing and other rules, she is entitled to the licenses that were held by S M Leasing. At this juncture, then, the Commission’s policy of accommodating final court judgments, in the absence of countervailing public interest reasons, supports providing relief to Ms. Kurian to the extent set forth below.³⁴

12. Station WPXY504. We decline to reinstate the license for Station WPXY504. SouthernLINC Wireless argues that overturning the decision cancelling the WPXY504 license for permanent discontinuance of operations “would raise serious concerns of potential interference and adversely affect SouthernLINC Wireless and its public safety customers”³⁵ and “significantly disrupt” the 800 MHz rebanding process.³⁶ We note that, unlike the other licenses, the license for Station WPXY504 was canceled not in response to a request by a party antagonistic to Ms. Kurian, but pursuant to a Commission determination that the license had canceled automatically due to permanent discontinuance of operation. This determination, moreover, was made in the context of the 800 MHz rebanding process, and the frequencies that had been authorized under the license were later reassigned to SouthernLINC Wireless and Sprint pursuant to that process. Based on this firmer evidentiary foundation for concluding

(...continued from previous page)

²⁹ See FCC File No. 0004739550 (filed May 23, 2011).

³⁰ See Reinstatement Request at 3-4.

³¹ *Id.*

³² See Opposition to Request for Reinstatement of Licenses of the Dallas Area Rapid Transit Authority (filed May 23, 2011) (DART Opposition); Opposition of SouthernLINC Wireless (filed May 24, 2011) (SouthernLINC Wireless Opposition); Petition to Deny the Request for Reinstatement of Licenses and Request to Initiate License Revocation Proceedings Call Sign WNMR238 (filed May 6, 2011) (Mr. Kurian Opposition). Ms. Kurian filed a consolidated reply. See Reply to Oppositions to Request for Reinstatement of Licenses (filed June 20, 2011) (Reply).

³³ We find no merit in Ms. Kurian’s argument that the Division erred in failing to deny those S M Leasing applications in the 2009 *Letter Ruling* based on the record then before it. See Reply at 4-6.

³⁴ In crafting such relief, we have broad discretion. See, e.g., Tsooris Corporation, *Memorandum Opinion and Order*, 12 FCC Rcd 1675, 1678-79 ¶ 8 (1997) (holding that the Commission “can ... take whatever steps are necessary to accommodate a local court’s ruling on a matter within its jurisdiction”); see also, e.g., Dale J. Parsons, Jr., *Memorandum Opinion and Order*, 10 FCC Rcd 2718, 2719-21 ¶¶ 8-15 (1995), *aff’d per curiam*, 93 F.3d 986 (D.C. Cir. 1996).

³⁵ See SouthernLINC Wireless Opposition at 2-4. SouthernLINC Wireless provides dispatch, interconnected voice, Internet access, and data transmission services that are used by local and statewide public safety agencies, school districts, rural local governments, public utilities, and emergency responders, as well as commercial entities. *Id.* at 1-2.

³⁶ *Id.* at 5.

that the license had canceled automatically, coupled with the public interest in not undermining carefully calibrated license modifications undertaken in furtherance of 800 MHz rebanding, we believe that reinstatement of the license for Station WPXY504 is not warranted.

13. Station WPTG843. We also decline to reinstate the license for Station WPTG843. DART states that it acquired the WPTG843 channel from S M Leasing as a “good faith purchaser,”³⁷ and now uses it in a trunked 900 MHz system that is the sole communications network for all public bus operations in the greater Dallas area.³⁸ The Division has found it inappropriate to reconsider a licensing action when doing so would adversely affect a “bona fide third-party purchaser” that committed no misconduct.³⁹ DART was a stranger to the disputes among Ms. Kurian, Mr. Kurian, and Susainathan.⁴⁰ We conclude that DART should be allowed to retain the channel, and reinstating the license for Station WPTG843 would conflict with that conclusion.

14. Stations WNVJ741, WPIQ777, WPXC618, and WQAQ340. Mr. Kurian contends that the licenses for Stations WNVJ741, WPIQ777, WPXC618, and WQAQ340 should not be reinstated because, like Station WPXY504, they canceled automatically due to permanent discontinuance of operation.⁴¹ He presents no documentation or specific information regarding the discontinuances of operation, and, unlike the case with Station WPXY504, there was no Commission determination that the stations permanently discontinued operation. Moreover, Mr. Kurian’s present assertion that he canceled the licenses because they had already canceled automatically conflicts with his representations to the Commission in 2009 that the stations were “currently licensed” when he added frequencies from those licenses to his licenses for Stations KNNF731 and WQO982.⁴² We conclude that, under the circumstances presented, it is appropriate to reinstate the licenses for Stations WNVJ741, WPIQ777, WPXC618, and WQAQ340. In addition, as discussed below, we propose to modify Mr. Kurian’s licenses for Stations KNNF731 and WQO982 to remove the frequencies that he added to his licenses from former S M Leasing licenses that he canceled.

15. Waivers. We also grant Ms. Kurian’s request for waivers of the Commission’s rules.⁴³ We temporarily waive Sections 90.155 (construction requirement)⁴⁴ and 90.157 (discontinuance of

³⁷ See DART Opposition at 3.

³⁸ *Id.* at 1.

³⁹ See Harold Pick, *Order on Reconsideration*, 22 FCC Rcd 730, 731-32 ¶ 6 (WTB MD 2007).

⁴⁰ We reject Ms. Kurian’s arguments, *see* Reply at 2-3, that DART should be held accountable for knowledge of the then-pending Nevada litigation because DART’s law firm formerly represented Ms. Kurian with respect to other call signs. *See, e.g.,* Skytower Communications – 94.3, LLC, *Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture*, 25 FCC Rcd 13204, 13214 ¶ 29 (MB AD 2010) (“W&B does not claim that the Skytower principals knew of the threshold test. Instead, it asks us to impute knowledge of the test to Skytower because its counsel was aware of the test, but did not disclose that information to Skytower. We decline to do so.”) (footnote omitted).

⁴¹ See Mr. Kurian Opposition at 1-2.

⁴² In addition, even if the subject licenses were submitted for cancellation due to permanent discontinuance of operation, the stations were not under Ms. Kurian’s control when they ceased operating, but were instead under the control of parties who it now appears were seeking to deprive her of any opportunity to reclaim them.

⁴³ See Reinstatement Request at 4-5.

⁴⁴ 47 C.F.R. § 90.155(a) (generally requiring that private land mobile radio stations be placed in operation within 12 months from the date of authorization).

operation)⁴⁵ in order to give Ms. Kurian a reasonable opportunity to bring the stations back into operation. It would make no sense to reinstate a license and then deny the licensee waivers needed to retain the license.⁴⁶ We give Ms. Kurian a period of one year from the release date of this *Order and Order Proposing Modification* to bring Stations WNVJ741, WPIQ777, WPXC618, and WQAQ340 back into operational status. This should provide ample time to restore the stations, as it is the same period of time given to licensees for the construction of new stations.

16. The expiration date for the license for Station WNVJ741 was February 25, 2011. On our own motion, we grant Ms. Kurian a waiver of the requirement that renewal applications be granted on or before the expiration date.⁴⁷ Ms. Kurian cannot be faulted for having been improperly prevented from timely renewing the license.⁴⁸ We will accept an application to renew the license for Station WNVJ741 if it is filed within thirty days from the release date of this *Order and Order Proposing Modification*.⁴⁹ A copy of this *Order and Order Proposing Modification* should be submitted with the renewal application.

17. Proposed modification. As set forth above, Susainathan assigned the licenses for Stations WNVJ741, WPIQ777, WPXC618, and WQAQ340 to Mr. Kurian, who then added frequencies from Stations WNVJ741, WPIQ777, and WQAQ340 to his licenses for Stations KNNF731 and WQO982 and canceled the assigned licenses. We do not believe that Stations WNVJ741, WPIQ777, WPXC618, and WQAQ340 can operate on these frequencies a co-channel basis with Stations KNNF731 and WQO982 without incurring harmful interference.⁵⁰ We note, moreover, that Mr. Kurian was aware of the history of the licenses for Stations WNVJ741, WPIQ777, WPXC618, and WQAQ340, and he consummated the assignment from S M Leasing and took other actions with respect to those licenses at his own risk that Ms. Kurian would prevail in the then-pending Nevada litigation.⁵¹

18. We believe that Section 316(a)(1) of the Communications Act of 1934, as amended, provides the appropriate vehicle for resolving this matter.⁵² Section 316(a) permits the Commission to modify a station license if the action will promote the public interest, convenience, and necessity.⁵³ In

⁴⁵ 47 C.F.R. § 90.157(a) (providing that a private land mobile radio license cancels automatically upon permanent discontinuance of operations, and that a station that has not operated for one year or more is considered to have been permanently discontinued).

⁴⁶ See Sweet Briar Institute, *Memorandum Opinion and Order*, 24 FCC Rcd 8088, 8093 ¶ 18 (WTB BD 2009) (holding that it “would be absurd to reinstate a license whose term had expired and then deprive the licensee of the reinstatement by refusing to renew the license on timeliness grounds”).

⁴⁷ 47 C.F.R. § 1.949(a).

⁴⁸ See, e.g., Henry Zappia, *Order on Reconsideration*, 18 FCC Rcd 13118, 13120-21 ¶ 7 (WTB PSPWD 2003) (granting a *sua sponte* waiver of the license renewal requirements to the holder of an expired license, based on “sufficiently unique” circumstances, including the thwarting of the licensee’s efforts to file a timely renewal application by an adversarial third party acting in contravention of a court order).

⁴⁹ Cf. Biennial Regulatory Review – Amendment of Parts 0, 1, 13, 22, 24, 26, 27, 80, 87, 90, 95, and 101 of the Commission’s Rules to Facilitate Development and Use of the Universal Licensing System in the Wireless Telecommunications Service, *Memorandum Opinion and Order on Reconsideration*, WT Docket No. 98-20, 14 FCC Rcd 11476, 11486 ¶ 22 (1999) (renewal applications that are filed up to thirty days after the expiration date of the license will be granted *nunc pro tunc* if the application is otherwise sufficient under our rules). It will be understood that, in applying for renewal of the license, Ms. Kurian will not be making any representations regarding the operational status of the station.

⁵⁰ See 47 C.F.R. § 90.621(b) (seventy-mile minimum separation).

⁵¹ See 2009 Letter Ruling, 24 FCC Rcd at 4845-46 n.23.

⁵² See 47 U.S.C. § 316(a)(1).

⁵³ *Id.*

order to give Ms. Kurian a reasonable opportunity to bring Stations WNVJ741, WPIQ777, WPXC618, and WQAQ340 back into full operation, we propose to modify Mr. Kurian's licenses for Stations KNNF731 and WQO982 by deleting the frequencies that he added from licenses that he canceled. Specifically, we propose to modify the license for Station KNNF731 by deleting frequencies 937.9500 MHz, 937.9625 MHz, 937.9750 MHz, 937.9875 MHz, and 938.0000 MHz from location 4; and to modify the license for Station WQO982 by deleting frequencies 854.8375 MHz, 860.7875 MHz, and 860.8125 MHz from all three fixed sites (locations 1, 4, and 6). We conclude that the proposed modifications would serve the public interest by allowing Mr. Kurian to continue serving customers, while avoiding or reducing harmful interference to Ms. Kurian's operations pursuant to the reinstated licenses. This action is necessary as a practical matter for the full reinstatement of the licenses.

19. In accordance with Section 1.87(a) of the Commission's Rules,⁵⁴ we will not issue a modification order until Mr. Kurian has received notice of our proposed action and has had an opportunity to interpose a protest. To protest the modification, Mr. Kurian must, within thirty days of the release date of this *Order and Order Proposing Modification*, submit a written statement with sufficient evidence to show that the modification would not be in the public interest. The protest must be filed with the Office of the Secretary, Federal Communications Commission, 445 Twelfth Street, S.W., Room TW-A325, Washington, D.C. 20554.⁵⁵ If no protest is filed, Mr. Kurian will have waived his right to protest the modification and will be deemed to have consented to the modification.

20. *Conclusion.* We reinstate the licenses for private land mobile radio Stations WNVJ741, WPIQ777, WPCX618, and WQAQ340.⁵⁶ We also grant Ms. Kurian waivers of the construction, discontinuance of service, and license renewal rules to provide her with a reasonable opportunity to restore the authorized stations to operational status. We do not reinstate the license for Station WPXY504 because the Commission independently concluded that the license canceled automatically for permanent discontinuance of operation, and the frequency pairs authorized thereunder have been reassigned to innocent third parties that obtained the spectrum through the 800 MHz rebanding process. Similarly, we do not reinstate the license for Station WPTG843 because the channel was obtained from S M Leasing by a bona fide third-party purchaser. Finally, we propose to modify Mr. Kurian's licenses for Stations KNNF731 and WQO982 to delete frequencies that he added to those licenses from licenses that he obtained from S M Leasing and then canceled.

21. *Ordering Clauses.* Accordingly, IT IS ORDERED that, pursuant to Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(r), and Section 1.41 of the Commission's Rules, 47 C.F.R. § 1.41, the Request for Reinstatement of Licenses filed by Pappammal Kurian on May 4, 2011 IS GRANTED TO THE EXTENT SET FORTH ABOVE AND IS OTHERWISE DENIED.

22. IT IS FURTHER ORDERED that the licenses for Stations WPIQ777, WPCX618, and WQAQ340 SHALL BE REINSTATED to Active status in the Commission's Universal Licensing System, and that the license for Station WNVJ741 SHALL BE REINSTATED upon the filing of an

⁵⁴ See 47 C.F.R. § 1.87(a).

⁵⁵ The address for FCC locations should be used only for documents filed by United States Postal Service first-class mail, Express Mail, and Priority Mail, and for hand-delivered or messenger-delivered documents. Documents sent by overnight mail (other than United States Postal Service Express Mail and Priority Mail) should be addressed for delivery to 9300 East Hampton Drive, Capitol Heights, MD 20743. See FCC Announces Change in Filing Location for Paper Documents, *Public Notice*, 24 FCC Rcd 14312 (2009); FCC Announces a New Filing Location for Paper Documents and a New Fax Number for General Correspondence, *Public Notice*, 16 FCC Rcd 22165 (2001).

⁵⁶ After the licenses have been restored to Active status in the Universal Licensing System, Ms. Kurian may file applications to assign them to herself.

acceptable renewal application as set forth in paragraph 16, *supra*.

23. IT IS FURTHER ORDERED that Sections 1.949(a), 90.155(a), and 90.157(a) of the Commission's Rules, 47 C.F.R. §§ 1.949(a), 90.155(a), and 90.157(a), ARE WAIVED to the extent set forth above.

24. IT IS PROPOSED that, pursuant to Sections 4(i) and 316(a) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 316(a), and Section 1.87 of the Commission's Rules, 47 C.F.R. § 1.87, the license for Station KNNF731 BE MODIFIED to delete frequencies 937.9500 MHz, 937.9625 MHz, 937.9750 MHz, 937.9875 MHz, and 938.0000 MHz from location 4.

25. IT IS ALSO PROPOSED that, pursuant to Sections 4(i) and 316(a) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 316(a), and Section 1.87 of the Commission's Rules, 47 C.F.R. § 1.87, the license for Station WQO982 BE MODIFIED to delete frequencies 854.8375 MHz, 860.7875 MHz, and 860.8125 MHz from locations 1, 4, and 6.

26. IT IS FURTHER ORDERED, pursuant to Section 4(i) Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Section 1.87(i) of the Commission's Rules, 47 C.F.R. § 1.87(i), that this *Order and Order Proposing Modification* SHALL BE SENT by certified mail, return receipt requested to Thomas K. Kurian, 11392 Vernazza Ct., Las Vegas, NV 89138.

27. 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