

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

In the Matter of)
)
ROBERT L. CARDWELL)
Station WNMR238, Las Vegas, Nevada)
)
Request for Cancellation of License)

ORDER

Adopted: November 9, 2011

Released: November 10, 2011

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

1. *Introduction.* We have before us a request filed by Richard R. Susainathan (Susainathan) on March 8, 2011, seeking the cancellation in the Commission's Universal Licensing System (ULS) of the license of Robert L. Cardwell (Cardwell) for 800 MHz Industrial/Land Transportation Pool Station WNMR238.¹ For the reasons set forth below, we grant the request in part and will modify the Commission's licensing records to reflect the cancellation of the authorization for location 11 (Sunrise Mountain).

2. *Background.* Station WNMR238 is authorized to operate base stations at five locations, including Sunrise Mountain in Las Vegas, Nevada. In 2007, the license for Station WNMR238 was assigned from Thomas Kurian to Pappammal Kurian (Ms. Kurian).² In 2010, the license was assigned from Ms. Kurian to Cardwell.³ In support of his request that the Commission cancel this license, Susainathan argues that the license terminated automatically due to a permanent discontinuance of station operations.⁴ Susainathan provides documentation that he purchased the Sunrise Mountain base station equipment from Ms. Kurian in 2009, and that, on subsequent weekly visits to the site over a two-year period, he found no equipment for Station WNMR238.⁵

3. On August 18, 2011, the Wireless Telecommunications Bureau's Mobility Division (Division), acting pursuant to Section 308(b) of the Communications Act of 1934, as amended,⁶ requested that Cardwell provide specified information concerning the operational status of Station WNMR238's

¹ See Request to Initiate License Revocation Proceedings (filed Mar. 8, 2011) (Request).

² See FCC File No. 0003087467 (filed June 26, 2007).

³ See FCC File No. 0004009600 (filed Oct. 28, 2009); Robert Cardwell, *Order*, 25 FCC Rcd 10702 (WTB MD 2010).

⁴ See Request at 3. Section 90.157(a) of the Commission's Rules provides that a Part 90 authorization, such as the license for Station WNMR238, cancels upon permanent discontinuance of operations. For the purpose of this section, any station that has not operated for one year or more is considered to have permanently discontinued operations. Section 1.955(a)(3) provides generally that authorizations terminate automatically, without Commission action, if service is permanently discontinued under the applicable rule for the type of service in question.

⁵ *Id.* at 10; see also Letter dated Oct. 12, 2011 from Richard R. Susainathan to Scot Stone/Jeff Tobias, Federal Communications Commission.

⁶ 47 U.S.C. § 308(b).

Sunrise Mountain location.⁷ Cardwell responded that he placed the facility into operation in 2011.⁸

4. *Discussion.* Section 90.157 of the Commission's Rules provides that a license for a private land mobile radio station cancels automatically upon discontinuance of operation for a period of one year or more.⁹ The information provided by Susainathan is persuasive evidence supporting his claim that Station WNMR238's Sunrise Mountain location was not in operation for a period of one year or more and that its authorization therefore cancelled automatically due to a permanent discontinuance of service.¹⁰ Therefore, we will update the Commission's Universal Licensing System to reflect the cancellation of the authorization for Station WNMR238's Sunrise Mountain location. We do not address Susainathan's claims that the authorizations for the other Station WNMR238 locations, and for all of Ms. Kurian's stations, also cancelled automatically due to a permanent discontinuance of service, because he provides no specific evidence in support of those claims.¹¹

5. Accordingly, IT IS ORDERED that, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Section 90.157 of the Commission's Rules, 47 C.F.R. § 90.157, the Request to Initiate License Revocation Proceedings filed by Richard R. Susainathan on March 8, 2011 IS GRANTED IN PART to the extent indicated above AND OTHERWISE DENIED, and the Commission's licensing records SHALL BE MODIFIED to reflect the deletion of location 11 from the license for Station WNMR238.

6. 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

⁷ Letter dated Aug. 18, 2011, from Scot Stone, Deputy Chief, Wireless Telecommunications Bureau, Mobility Division to Robert L. Cardwell.

⁸ See Letter dated Sept. 15, 2011 from Robert L. Cardwell to Jeff Tobias, Wireless Telecommunications Bureau, Mobility Division.

⁹ See 47 C.F.R. § 90.157(a).

¹⁰ See, e.g., National Ready Mixed Concrete Co., *Memorandum Opinion and Order*, 23 FCC Rcd 5250, 5253-54 ¶ 11 (2008).

¹¹ See, e.g., Mobile Relay Associates, *Order on Reconsideration*, 25 FCC Rcd 13076, 13076 ¶ 3 (WTB MD 2010).