

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

In the Matter of)	
)	
PAPPAMMAL KURIAN)	
Assignment of Authorization of 23 Licenses to)	File No. 0005233398
Thomas Kurian)	
)	
Assignment of Authorization for)	File No. 0005264554
Industrial/Business Pool Stations WPKT842 and)	
WPMT214 to Balhir Bhogal)	
)	
R F DATA INC.)	
Assignment of Authorization for)	File No. 0005227801
Industrial/Business Pool Station WPVV314 to)	
New York Communications Co.)	
)	
Assignment of Authorization for)	File No. 0005233524
Industrial/Business Pool Station WPSR462 and)	
Microwave Industrial/Business Pool Stations)	
WQAN731, WQBP266, and WQFL329 to)	
Thomas Kurian)	
)	
SPECTRUM WIRELESS LLC)	
Assignment of Authorization for)	File No. 0005233547
Industrial/Business Pool Station WQAJ377 to)	
Thomas Kurian)	
)	
BALHIR BHOGAL)	
Assignment of Authorization for)	File No. 0005311461
Industrial/Business Pool Stations WPKT842 and)	
WPMT214 to Rebel Communications LLC)	

ORDER AND ORDER ON RECONSIDERATION

Adopted: May 6, 2014

Released: May 7, 2014

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

1. *Introduction.* In this *Order and Order on Reconsideration*, we address a petition filed by Warren Havens, Environmental LLC, Environmental-2 LLC, Skybridge Spectrum Foundation, Verde Systems LLC, Telesaurus Holdings GB LLC, Intelligent Transportation & Monitoring Wireless LLC, and V2G LLC (collectively, Havens Entities) for reconsideration of our consent to the application of Pappammal Kurian (Ms. Kurian) to assign the licenses for Industrial/Business Pool Stations WPKT842 and WPMT214 to Balhir Bhogal (Mr. Bhogal).¹ We also address a petition filed by Thomas Kurian (Mr.

¹ Petition for Reconsideration, and Petition to Deny, and in the Alternative, Requests under Section 1.41 (filed July 20, 2012) (Havens PFR). Ms. Kurian filed an opposition. Motion to Deny the following petition (filed July 23, 2012).

Kurian) to set aside the assignment of the licenses to Mr. Bhogal and subsequently from Mr. Bhogal to Rebel Communications LLC (Rebel), and to reinstate Ms. Kurian's earlier application to assign these and other licenses to him.² For the reasons stated below, we deny the Havens petition in part and dismiss it in part, and deny the Kurian petition.

2. *Background.* On May 25, 2012, Ms. Kurian filed an application to assign the licenses for twenty-three land mobile and microwave licenses, including Stations WPKT842 and WPMT214, to Mr. Kurian.³ On June 13, 2012, she withdrew the application. On June 15, 2012, she filed an application to assign the licenses for Stations WPKT842 and WPMT214 to Mr. Bhogal, and the Commission consented to the application.⁴ On July 16, 2012, Mr. Bhogal filed an application to assign the licenses to Rebel, and the Commission consented to the application.⁵

3. On July 20, 2012, the Havens Entities filed a petition for reconsideration of the consent to Ms. Kurian's application to assign the licenses for Stations WPKT842 and WPMT214 to Mr. Bhogal.⁶ They argue that the assignment should be set aside because one of the Havens Entities obtained a monetary judgment against Ms. Kurian in Nevada state court and plans to proceed with the necessary legal actions to obtain satisfaction of the judgment by forcing a sale of Ms. Kurian's licenses.⁷

4. On October 22, 2012, Mr. Kurian filed a petition to set aside the assignments of the licenses for Stations WPKT842 and WPMT214 from Ms. Kurian to Mr. Bhogal to Rebel, and requested reinstatement of Ms. Kurian's application to assign those and other licenses to him. He argues that Ms. Kurian agreed to assign all of her call signs to him; and that the withdrawal of the application to assign the licenses to him, as well as the subsequent assignment applications, were submitted by Rebel without Ms. Kurian's or Mr. Bhogal's authorization.⁸ Mr. Kurian provided a declaration signed by Ms. Kurian to support this claim, but her declaration states that she and Mr. Bhogal agreed to assign the licenses for

² Petition to Set Aside the Assignment Application FCC File No. 0005311461, 0005264554, and Reinsert [sic] Application No. 0005233398 and Issue the Station Authorization of Call Sign WPKT842 and WPMT842 to Thomas K. Kurian, and Response to the Petition to Deny by Rebel Communications, LLC. [sic], FCC File # 00054446482 and 0005437382 (filed Oct. 22, 2013) (Thomas Kurian PFR). Rebel filed an opposition. Reply to Opposition Pleadings (filed Oct. 31, 2012) (Rebel Opposition).

The Thomas Kurian PFR was filed jointly with his opposition to Rebel's petition to deny applications filed by Ms. Kurian to assign certain licenses to Vegas Wireless LLC (FCC File Nos. 0005437382 and 0005446482). This *Order and Order on Reconsideration* addresses the Thomas Kurian PFR only with respect to FCC File Nos. 0005233398, 0005264554, and 0005311461; it was addressed with respect to Ms. Kurian's applications to assign licenses to Vegas Wireless LLC in Pappammal Kurian, *Order*, 29 FCC Rcd 881 (WTB MD 2014).

³ FCC File No. 0005233398. The other call signs were WNVJ741, WNXG425, WPIQ777, WPKV330, WPKW294, WPMG886, WPMP534, WPRH562, WPRH760, WPRK215, WPUA346, WPUB270, WPUD821, WPXC618, WPXH849, WPXH935, WQAH890, WQAJ503, WQAJ984, WQAJ986, and WQAQ340.

⁴ FCC File No. 0005264554. The assignment was consummated on June 18, 2012. See FCC File No. 0005266430.

⁵ FCC File No. 0005311461. The assignment was consummated on August 2, 2012. See FCC File No. 0005337256.

⁶ The Havens Entities also sought denial of applications filed by entities associated with Ms. Kurian for consent to assign other land mobile and microwave licenses to New York Communications Co. (FCC File No. 0005227801 [WPVV314]) and Mr. Kurian (FCC File Nos. 0005233524 [WPSR462, WQAN731, WQPB266, WQFL329] and 0005233547 [WQAJ377]), but those applications were dismissed (FCC File No. 0005227801, dismissed Jan. 1, 2013) or withdrawn (FCC File No. 0005233524, withdrawn Aug. 21, 2012; FCC File No. 0005233547, withdrawn Aug. 22, 2012). Consequently, we dismiss the Havens PFR as moot with respect to those applications.

⁷ See Havens PFR 2-3.

⁸ See Thomas Kurian PFR at 1-3.

Stations WPKT842 and WPMT214 to Rebel and she provided her Universal Licensing System password to Rebel for it to make the necessary filings.⁹ Rebel provides documentation of its agreement with Ms. Kurian and Mr. Bhogal, but denies that it filed the assignment applications.¹⁰

5. The Nevada state court subsequently prohibited Ms. Kurian from disposing of any assets¹¹ and appointed a receiver¹² to seek Commission approval to take control of the licenses listed in an attachment to the receivership appointment order, and sell them and distribute the net proceeds to the plaintiff to satisfy the judgment.¹³

6. *Discussion.* As noted above, receivership appointment order authorizes the receiver to seek Commission approval to take control of specific licenses held by Ms. Kurian and associated entities. Stations WPKT842 and WPMT214 are not listed therein.¹⁴ Moreover, the temporary restraining order and receivership appointment order were issued well after the assignments were consented to and consummated. Thus, while the Commission generally accommodates court decrees that are final unless it is in the public interest to do otherwise,¹⁵ the record in this matter sets forth no court order that then barred Ms. Kurian from assigning the licenses for Stations WPKT842 and WPMT214. That one of the Havens Entities had obtained a monetary judgment against her does not, by itself, constitute grounds for reconsideration of the consent to assign the licenses, where the receivership appointment order does not clearly authorize the receiver to take control of these licenses.¹⁶ Therefore, we deny the Havens Entities' petition for reconsideration of our consent to assign the licenses for Stations WPKT842 and WPMT214 from Ms. Kurian to Mr. Bhogal.

7. In light of Ms. Kurian's statement that she and Mr. Bhogal agreed to assign the licenses for Stations WPKT842 and WPMT214 to Rebel, and the documentation provided by Rebel, we conclude that the record does not support Mr. Kurian's claim that the assignment applications from Ms. Kurian to Mr. Bhogal to Rebel were not authorized by the respective licensees.¹⁷ Therefore, we deny Mr. Kurian's

⁹ See *id.* at Exhibit 1.

¹⁰ See Rebel Opposition at 5, Exhibit A.

¹¹ See Order Granting Temporary Restraining Order and Order to Show Cause Why a Preliminary Injunction Should Not Be Issued, Case No. A-12-669776-C, Eighth Judicial District Court of Clark County, Nevada (filed Dec. 6, 2012).

¹² See Order Granting Plaintiff's Motion to Appoint William Holland as Receiver, Case No. A-12-669776-C, Eighth Judicial District Court of Clark County, Nevada (filed Jan. 30, 2014) (Receivership Order).

¹³ Both court orders are viewable in the Universal Licensing System under Call Sign WNXG425. See Further Supplement to Petition to Respect and Take Actions Under Court Restraining Order, Exhibit 3 (filed Dec. 17, 2012); Letter dated Feb. 11, 2014 from Warren Havens, to Stana Kimball, Attorney-Advisor, Mobility Division, Wireless Telecommunications Bureau, Attachment. The Havens Entities reported in the record of another proceeding that a preliminary injunction also had been obtained against Ms. Kurian. See Pappammal Kurian, *Order*, 29 FCC Rcd 881, 881 ¶ 3 (WTB MD 2014) (citing Petition to Deny [FCC File Nos. 0005446482 and 0005446495] and, in the alternative, Request under Section 1.41 (filed Nov. 7, 2012)).

¹⁴ See Receivership Order, Exhibit A.

¹⁵ See, e.g., *Inforum Communications Inc., Memorandum Opinion and Order*, 20 FCC Rcd 820, 827 ¶ 12 (2005) (noting that it is the Commission's policy "to accommodate court decrees adjudicating disputes over contract and property rights, unless a public interest determination compels a different result").

¹⁶ Cf. Lewis J. Paper, Esq., *Letter*, 28 FCC Rcd 4550, 4552 (reversing grant of involuntary assignment to receiver where the receivership appointment order authorized the receiver to take control of the principal's interest in the licensee but did not specifically address the licensee's interest in the license), *recon. denied*, Lewis J. Paper, Esq., *Letter*, 28 FCC Rcd 16553 (MB AD 2013).

¹⁷ We need not resolve the dispute in the record regarding who filed the applications.

petition to set aside the assignment of the licenses for Stations WPKT842 and WPMT214 to Mr. Bhogal and then to Rebel, and to reinstate Ms. Kurian's application to assign these and other licenses to him. We will not address Mr. Kurian's belief that the agreement among Ms. Kurian, Mr. Bhogal, and Rebel conflicted with his agreement with Ms. Kurian. The Commission has long held that it is not the proper forum for the resolution of private contractual disputes, and that claims for redress stemming from such disputes should be sought in a court of competent jurisdiction.¹⁸

8. Accordingly, IT IS ORDERED, pursuant to Sections 4(i), 303(r), 309(d), and 405 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(r), 309(d), 405, and Sections 1.106 and 1.939 of the Commission's Rules, 47 C.F.R. §§ 1.106, 1.939, that the Petition for Reconsideration, and Petition to Deny, and in the Alternative, Requests under Section 1.41 filed by Warren Havens, Environmental LLC, Environmental-2 LLC, Skybridge Spectrum Foundation, Verde Systems LLC, Telesaurus Holdings GB LLC, Intelligent Transportation & Monitoring Wireless LLC, and V2G LLC on July 20, 2012, IS DISMISSED IN PART and DENIED IN PART as set forth above, and the Petition to Set Aside the Assignment Application FCC File No. 0005311461, 0005264554, and Reinsert [sic] Application No. 0005233398 and Issue the Station Authorization of Call Sign WPKT842 and WPMT842 to Thomas K. Kurian, and Response to the Petition to Deny by Rebel Communications, LLC. [sic], FCC File # 00054446482 and 0005437382 filed by Thomas Kurian on October 22, 2013 IS DENIED.

9. 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

¹⁸ See, e.g., PCS 2000, L.P., *Memorandum Opinion and Order*, 12 FCC Rcd 1681, 1691 ¶ 23 (1997) (deferring to the courts to adjudicate matters involving private rights); John F. Runner, Receiver (KBIF), *Memorandum Opinion and Order*, 36 R.R. 2d (P&F) 773, 778 (1976) (local court of competent jurisdiction, not the FCC, is the proper forum to resolve private disputes); Decatur Telecasting, Inc., *Memorandum Opinion and Order*, 7 FCC Rcd 8622, 8624 ¶ 12 (MMB VSD 1992) (same).