

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

In the Matter of)
)
JOHN H. GRONEMEIER)
Licensee of Stations WPAX683, WPJQ444,)
WPKC396, WPLQ443, WPME992, WPML737,)
WPMR925, and WPPV766)
)
DEMINIMIS, LC)
Licensee of Station WIM692)

ORDER PROPOSING MODIFICATION

Adopted: September 28, 2012

Released: October 1, 2012

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

1. *Introduction.* For the reasons set forth below, we propose to modify the above-captioned private land mobile radio (PLMR) licenses of John H. Gronemeier and DeMinimis, LC (collectively, Gronemeier). Specifically, we propose to modify the licenses to delete locations at Quimby Ridge in San Jose, California.

2. *Background.* On June 6, 2011, the Commission received correspondence from Michael Boesch and Kathleen Tirri (the Boesches) stating that they own the property at Quimby Ridge, and Mr. Gronemeier had no legal right to operate PLMR stations at that location.¹ On June 8, 2011, the Wireless Telecommunications Bureau's Mobility Division sent Gronemeier a letter inquiring about the construction and operational status of the above-captioned stations and Gronemeier's legal authority to operate them at Quimby Ridge.² Gronemeier replied on July 18, 2011 that the stations operated at Quimby Ridge pursuant to a verbal agreement between Mr. Gronemeier and the Boesches' deceased parents.³ The response also stated that the Boesches had cut off the power to the site and prevented Gronemeier from accessing it since February 2011, and seized the station equipment in March 2011. Mr. Gronemeier stated that he was in negotiations with the Boesches, and would modify the licenses to remove or relocate the Quimby Ridge sites if no agreement was reached. Subsequent attempts by Commission staff to contact him to discuss the status of the licenses have been unsuccessful.

3. *Discussion.* Section 90.157(a) of the Commission's Rules provides that a PLMR station authorization cancels automatically upon discontinuance of operation for a period of one year or more.⁴ The information in the record indicates that the above-captioned stations have not operated at Quimby Ridge for over a year.

¹ Letter dated June 6, 2011 from Michael Boesch and Kathleen Tirri to Scot Stone, Deputy Chief, Mobility Division, Wireless Telecommunications Bureau.

² Letter dated June 8, 2011 from Scot Stone, Deputy Chief, Mobility Division, Wireless Telecommunications Bureau to John Gronemeier. Other licenses addressed in the June 8, 2011 letter have since expired.

³ Letter dated July 18, 2011 from John H. Gronemeier to Scot Stone, Deputy Chief, Mobility Division, Wireless Telecommunications Bureau.

⁴ See 47 C.F.R. § 90.157(a); see also 47 C.F.R. § 1.955(a)(3).

4. We believe that Section 316(a)(1) of the Communications Act of 1934, as amended, provides the appropriate vehicle for resolving this matter.⁵ Section 316(a) permits the Commission to modify a station license if the action will promote the public interest, convenience, and necessity.⁶ We believe that modification of the licenses to delete the Quimby Ridge locations is appropriate.

5. In accordance with Section 1.87(a) of the Commission's Rules,⁷ we will not issue a modification order until Gronemeier has received notice of our proposed action and has had an opportunity to file a protest. To protest the modifications, Gronemeier must, within thirty days of the release date of this *Order Proposing Modification*, submit a written statement with sufficient evidence to show that the modifications 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. 20554.⁸ If no protest is filed, Gronemeier will have waived his right to protest the modifications and will be deemed to have consented to the modifications.

6. *Conclusion.* For the reasons stated above, we conclude that the Quimby Ridge facilities should no longer be authorized under the above-captioned call signs. Accordingly, we propose to modify these PLMR licenses by deleting the following locations: WIM692 – location 1, WPAX683 – location 1, WPJQ444 – location 1, WPKC396 – location 1, WPLQ443 – location 1, WPME992 – location 1, WPML737 – location 1, WPMR925 – location 1, and WPPV76 – location 1.

7. ACCORDINGLY, IT IS PROPOSED, pursuant to Sections 4(i) and 316(a) of the Communications Act of 1934, 47 U.S.C. §§ 154(i), 316, and Section 1.87 of the Commission's Rules, 47 C.F.R. § 1.87, that the licenses for Stations WIM692, WPAX683, WPJQ444, WPKC396, WPLQ443, WPME992, WPML737, WPMR925, and WPPV766 BE MODIFIED as set forth in paragraph 6, *supra*.

8. IT IS FURTHER ORDERED that this *Order Proposing Modification* shall be sent by certified mail, return receipt requested, to John H. Gronemeier, P.O. Box 24803, San Jose, CA 95154; John H. Gronemeier, 1584 Branham Lane, #186, San Jose, CA 95118-2290; John H. Gronemeier, 4718 Meridian Ave., #186, San Jose, CA 95118-2327; John H. Gronemeier, P.O. Box 951, Mi Wuk Village, CA 95346; and DeMinimis, LC, P.O. Box 951, Mi Wuk Village, CA 95346-0951, Attn: Comm Manager.

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

⁵ 47 U.S.C. § 316(a)(1).

⁶ *Id.*

⁷ 47 C.F.R. § 1.87(a).

⁸ 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 hand-delivered or messenger-delivered documents. Documents sent by commercial 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.