

Federal Communications Commission

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

In the Matter of)	
)	
Ceres Solutions LLP)	File No. EB-09-CG-0023
Licensee of Radio Station WQHE346)	
Veedersburg, Indiana)	NOV No. V20093232005
)	
Attention: Jason Stonecipher)	
)	

NOTICE OF VIOLATION

Released: March 24, 2009

By the District Director, Chicago Office, Northeast Region, Enforcement Bureau:

1. This is a Notice of Violation (“Notice”) issued pursuant to Section 1.89 of the Commission’s Rules¹ to Ceres Solutions LLP (“Ceres”), licensee of land mobile radio station WQHE346.
2. On March 11, 2009, in response to a complaint, an agent of the Commission’s Chicago Office located the source of a continuous data transmission on 464.600 MHz at Martin Farms, 2408 Tudor Road, Clayton, Indiana. The data transmission was found to be part of a GPS system owned by Ceres Solutions LLP and authorized for temporary statewide use under radio station license WQHE346. The system consists of an RTK base station owned and operated by Ceres and customer-owned differential GPS systems mounted in several Martin Farms tractors. The equipment was installed by Ceres in September, 2008.² The Chicago Office found that Ceres was in violation of the following:

47 C.F.R. § 90.403(e): “Licensees shall take reasonable precautions to avoid causing harmful interference. This includes monitoring the transmitting frequency for communications in progress and such other measures as may be necessary to minimize the potential for causing interference.” Monitoring revealed that the continuous GPS data transmitted was audible and interfering with co-channel voice communications 20-30 miles from Martin Farms.

¹47 C.F.R. § 1.89.

² 47 C.F.R. § 90.137(b): “When any unit or units of a base station or fixed station which are authorized for operation at temporary locations actually remain or are intended to remain at the same location for more than 1 year, an application for a separate authorization specifying the fixed location shall be made as soon as possible, but not later than 30 days after the expiration of the 1-year period.” The 1 year period for the base station on Martin Farms will expire in September, 2009.

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3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,³ and Section 1.89 of the Commission's Rules, Ceres Solutions LLP, must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response must fully explain each violation, must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and should include a time line for completion of pending corrective action(s). The response must be complete in itself and signed by a principal or officer of the licensee. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Chicago Office
1550 North Northwest Hwy, Suite 306
Park Ridge, IL 60068

4. This Notice shall be sent to Ceres Solutions LLP at its address of record.
5. The Privacy Act of 1974⁴ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁵

FEDERAL COMMUNICATIONS COMMISSION

James M. Roop
District Director
Chicago District Office
Northeast Region
Enforcement Bureau

³47 U.S.C. § 308(b).

⁴P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁵18 U.S.C. § 1001 *et seq.*