

may officially notice, that the equipment will comply with the rules and regulations in subpart D of this part, or that such grant will otherwise serve the public interest.

(b) Grants will be made in writing showing the effective date of the grant and any special condition(s) attaching to the grant.

(c) Equipment registration shall not attach to any equipment, nor shall any equipment registration be deemed effective, until the application has been granted.

**§ 68.208 Dismissal and return of application.**

(a) An application which is not filed in accordance with the requirements of this part or which is defective with respect to completeness of answers to questions, execution or other matters of a formal character, may not be accepted for filing by the Commission and may be returned as unacceptable for filing unless accompanied by a fully supported request for waiver.

(b) Any application, upon written request, may be dismissed prior to a determination granting or denying the equipment registration requested.

(c) If an applicant is requested by the Commission to furnish any additional documents, information or equipment not specifically required by this subpart, a failure to comply with the request within the time, if any, specified by the Commission will result in the dismissal of such application.

[40 FR 53023, Nov. 14, 1975, as amended at 41 FR 8049, Feb. 24, 1976; 61 FR 42392, Aug. 15, 1996]

**§ 68.210 Denial of application.**

If the Commission is unable to make the findings specified in § 68.206 it will deny the application. Notification of the denial will include a statement of the reasons for the denial.

**§ 68.211 Registration revocation procedures.**

(a) *Cause for revocation.* The Commission may revoke the Part 68 registration of a registrant:

- (1) Who has obtained the equipment registration by misrepresentation;
- (2) Whose registered equipment is shown to cause harm to the network;

(3) Who willfully or repeatedly fails to comply with the terms and conditions of its Part 68 registration; or

(4) Who willfully or repeatedly fails to comply with any rule, regulation or order issued by the Commission under the Communications Act of 1934 relating to equipment registration.

(b) *Notice of Intent to Revoke Part 68 Registration.* Before revoking a Part 68 registration under the provisions of this section, the Commission, or the Common Carrier Bureau under delegated authority, will issue a written Notice of Intent to Revoke Part 68 Registration, or Joint Notice of Apparent Liability for Forfeiture and Intent to Revoke Part 68 Registration pursuant to §§ 1.80 and 1.89 of this chapter.

(1) *Contents of the Notice.* The Notice will:

(i) Identify the registration date(s) and registration number(s) of the equipment, and the rule or federal law apparently violated;

(ii) Set forth the nature of the act or omission charged against the registrant, and the facts upon which such charge is based;

(iii) Specify that in the event of revocation, the registrant may not reapply for registration of the same product for a period of six months; and

(iv) Specify that revocation of the registration may be in addition to, or in lieu of, an amount in forfeiture levied pursuant to § 1.80 of this chapter.

(c) *Delivery.* The Notice will be sent via certified mail to the registrant at the address certified in the Part 68 application associated with the registration at issue.

(d) *Response.* The registrant will be given a reasonable period of time (usually 30 days from the date of the Notice) to show, in writing, why its part 68 registration should not be revoked or why the forfeiture penalty should not be imposed or should be reduced.

(e) *Reapplication.* A registrant whose registration has been revoked may not apply for registration of the same product for a period of six months from the date of revocation of the registration.

(f) *Reconsideration or appeal.* A registrant who is issued a revocation of equipment registration and/or forfeiture assessment may request reconsideration or make administrative appeal