

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

of the decision pursuant to Part 1 of the Commission's rules—Practice and Procedure, Part 1 of this chapter.

[61 FR 42392, Aug. 15, 1996]

§68.212 Assignment of equipment registration.

Commission equipment registration may not be assigned, exchanged or in any other way transferred to another party, without prior written notice to the Commission.

§68.213 Installation of other than “fully protected” non-system simple customer premises wiring.

(a) *Scope of this rule.* Provisions of this rule apply only to “unprotected” premises wiring used with simple installations of wiring for up to four line residential and business telephone service. More complex installations of wiring for multiple line services, for use with systems such as PBX and key telephone systems, are controlled by §68.215 of these rules.

(b) *Wiring authorized.* Unprotected premises wiring may be used to connect units of terminal equipment or protective circuitry to one another, and to carrier-installed facilities if installed in accordance with these rules. The telephone company is not responsible, except pursuant to agreement between it and the customer or undertakings by it, otherwise consistent with Commission requirements, for installation and maintenance of wiring on the subscriber's side of the demarcation point, including any wire or jacks that may have been installed by the carrier. The subscriber and/or premises owner may install wiring on the subscriber's side of the demarcation point, and may remove, reconfigure, and rearrange wiring on that side of the demarcation point including wiring that may have been installed by the carrier. The customer or premises owner may not access carrier wiring and facilities on the carrier's side of the demarcation point. Customers may not access the telephone company-installed protector. All plugs and jacks used in connection with inside wiring shall conform to subpart F of this part. In multiunit premises with more than one customer, the premises owner may adopt a policy restricting a customer's access to wir-

ing on the premises to only that wiring located in the customer's individual unit wiring that serves only that particular customer. See Demarcation point definition, §68.3(b)(3). The customer or premises owner may not access carrier wiring and facilities on the carrier's side of the demarcation point. Customers may not access the telephone company-installed protector. All plugs and jacks used in connection with inside wiring shall conform to subpart F of this part.

(c) *Material requirements.* Conductors shall have insulation with a 1500 Volt rms breakdown rating. This rating shall be established by covering the jacket or sheath with at least 15 cm (6 in) (measured linearly on the cable) of conductive foil, and establishing a potential difference between the foil and all of the individual conductors connected together, such potential difference gradually increased over a 30 second time period to 1500 Volts rms, 60 Hertz, then applied continuously for one minute. At no time during this 90 second time interval shall the current between these points exceed 10 milliamperes peak.

(d) *Attestation.* Manufacturers (or distributors or retailers, whichever name appears on the packaging) of non-system telephone premises wire shall attest in a letter to the Commission that the wire conforms with part 68, FCC Rules.

[49 FR 21734, May 23, 1984, as amended at 50 FR 29392, July 19, 1985; 50 FR 47548, Nov. 19, 1985; 51 FR 944, Jan. 9, 1986; 55 FR 28630, July 12, 1990; 58 FR 44907, Aug. 25, 1993; 62 FR 36464, July 8, 1997]

§68.214 Changes in registered equipment and circuitry.

Changes in registered terminal equipment or registered protective circuitry shall be made as follows:

(a) No change in registered terminal equipment or registered protective circuitry that would result in any change in the information furnished the Commission pursuant to §68.200 may be made, except after grant of a new application made on FCC Form 730.

(b) Changes which do not result in any change in the information furnished the Commission pursuant to §68.200 may be made without express