

pulse positions. The keep alive signal inserted when the pulse density drops too low shall be one of the following:

(i) *Type 1 Keep Alive Signal.* This signal is a consecutive sequence of all "ones".

(ii) *Type 2 Keep Alive Signal.* This signal is a sequence of 193-bit frames consisting of a framing bit plus 192-bit sequence of consecutive "ones". The framing bit executes the following repetitive pattern every 12 frames:

1 0 0 0 1 1 0 1 1 1 0 0

(iii) *Type 3 Keep Alive Signal.* This signal sequence is the regenerated received signal connected to the transmit port through a loopback circuit.

(2) For circuits placed in service on or after February 18, 1988, and for all circuits as of December 18, 1989, whenever such circuits were placed in service, the telephone company is not required to provide line power to operate continuity of output functions in terminal equipment connecting to 1.544 Mbps service. As of December 18, 1989, such terminal equipment is not required to contain continuity of output capability, provided, however, that telephone companies by tariff may require that such equipment contain the continuity of output capability described in this paragraph up to December 18, 1992. Applications for registration of terminal equipment for connection to 1.544 Mbps service which does not contain continuity of output capability shall be accepted as of December 18, 1988, but eligibility for connection to 1.544 Mbps service shall be governed by this paragraph.

(c) *Registered terminal equipment connecting to the public switched network—*

(1) *Limitation on automatic dialing.* Automatic dialing to a particular number must cease after 15 successive attempts. This rule does not apply to manually activated dialers which dial a number just once following each activation.

(2) *Line seizure by automatic telephone dialing systems.* Automatic telephone dialing systems which deliver a recorded message to the called party must release the called party's telephone line within 5 seconds of the time notification is transmitted to the sys-

tem that the called party has hung up, to allow the called party's line to be used to make or receive other calls.

(3) *Telephone facsimile machines; identification of the sender of the message.* It shall be unlawful for any person within the United States to use a computer or other electronic device to send any message via a telephone facsimile unless such message clearly contains, in a margin at the top or bottom of each transmitted page or on the first page of the transmission, the date and time it is sent and an identification of the business, other entity, or individual sending the message and the telephone number of the sending machine or of such business, other entity, or individual. The telephone number provided may not be a 900 number or any other number for which charges exceed local or long distance transmission charges. Telephone facsimile machines manufactured on and after December 20, 1992, must clearly mark such identifying information on each transmitted message. Facsimile modem boards manufactured on and after December 13, 1995, must comply with the requirements of this section.

(d) *Requirement that registered equipment allow access to common carriers.* Any equipment or software manufactured or imported on or after April 17, 1992, and installed by any aggregator shall be technologically capable of providing consumers with access to interstate providers of operator services through the use of equal access codes. The terms used in this paragraph shall have the meanings defined in § 64.708 of this chapter (47 CFR 64.708).

[49 FR 48726, Dec. 14, 1984, as amended at 51 FR 951, Jan. 9, 1986; 52 FR 43077, Nov. 9, 1987; 52 FR 49413, Dec. 31, 1987; 53 FR 1103, Jan. 15, 1988; 56 FR 18524, Apr. 23, 1991; 56 FR 56166, Nov. 1, 1991; 57 FR 48336, Oct. 23, 1992; 60 FR 42069, Aug. 15, 1995]

## Subpart E—Complaint Procedures

### § 68.400 Content.

A complaint shall be in writing and shall contain:

(a) The name and address of the complainant,

(b) The name (and address, if known) of the defendant against whom the complaint is made,

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(c) A complete statement of the facts, including supporting data, where available, showing that such defendant did or omitted to do anything in contravention of part 68 of the Commission's Rules, and

(d) The relief sought.

**§ 68.402 Amended complaints.**

An amended complaint setting forth transactions, occurrences or events which have happened since the filing of the original complaint and which relate to the original cause of action may be filed with the Commission.

**§ 68.404 Number of copies.**

An original and two copies of all complaints and amended complaints shall be filed. An original and one copy of all other pleadings shall be filed.

**§ 68.406 Service.**

(a) The Commission will serve a copy of any complaint or amended complaint filed with it, together with a notice of the filing of the complaint. Such notice shall call upon the defendant to satisfy or answer the complaint in writing within the time specified in said notice of complaint.

(b) All subsequent pleadings and briefs shall be served by the filing party on all other parties to the proceeding in accordance with the requirements of § 1.47. Proof of such service shall also be made in accordance with the requirements of said section.

**§ 68.408 Answers to complaints and amended complaints.**

Any party upon whom a copy of a complaint or amended complaint is served under this subpart shall serve an answer within the time specified by the Commission in its notice of complaint. The answer shall advise the parties and the Commission fully and completely of the nature of the defense, and shall respond specifically to all material allegations of the complaint. In cases involving allegations of harm, the answer shall indicate what action has been taken or is proposed to be taken to stop the occurrence of such harm, both in terms of future production and with reference to articles in the possession of distributors, sellers, and users. Collateral or immaterial is-

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sues shall be avoided in answers and every effort should be made to narrow the issues. Matters alleged as affirmative defenses shall be separately stated and numbered. Any defendant failing to file and serve an answer within the time and in the manner prescribed may be deemed in default.

**§ 68.410 Replies to answers or amended answers.**

Within 10 days after service of an answer or an amended answer, a complainant may serve a reply which shall be responsive to matters contained in such answer or amended answer and shall not contain new matters. Failure to reply will not be deemed an admission of any allegation contained in such answer or amended answer.

**§ 68.412 Defective pleadings.**

Any pleading filed in a complaint proceeding not in substantial conformity with the requirements of the applicable rules in this part may be dismissed.

**§ 68.414 Hearing aid-compatibility: Enforcement.**

Enforcement of §§ 68.4 and 68.112 is hereby delegated to those states which adopt those sections and provide for their enforcement. The procedures followed by a state to enforce those sections shall provide a 30-day period after a complaint is filed, during which time state personnel shall attempt to resolve a dispute on an informal basis. If a state has not adopted or incorporated §§ 68.4 and 68.112, or failed to act within 6 months from the filing of a complaint with the state public utility commission, the Commission will accept such compliants. A written notification to the complainant that the state believes action is unwarranted is not a failure to act.

[49 FR 1368, Jan. 11, 1984]

**Subpart F—Connectors**

SOURCE: 41 FR 28699, July 12, 1976, unless otherwise noted.

**§ 68.500 Specifications.**

*General.* The US customary units are shown in parentheses throughout this