

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

In the Matter of)
)
Petition of Nevadacom for) CC Docket No. 00-21
Expedited Declaratory Ruling That)
Telegraphic Money Order Service Is)
An Information (Enhanced) Service)
And Not Subject to State Regulation)
)

ORDER

Adopted: April 26, 2000

Released: April 27, 2000

By the Deputy Chief, Common Carrier Bureau:

1. On September 17, 1999, Nevadacom, Inc. filed a petition seeking an expedited declaratory ruling by the Commission that telegraphic money order service is an “information service” as that term is defined in the Communications Act of 1934, as amended. The Commission subsequently sought public comment on the Nevadacom petition.¹ In its petition, Nevadacom asks the Commission to confirm that: (1) telegraphic money order service, or money transfer service, provided by record carriers is an information service and subject to the Commission’s ancillary jurisdiction; (2) states may not impose any law, rule, or regulation that acts to bar or inhibit the provision of money transfer service by record carriers; and (3) to the extent a state imposes any law, rule, or regulation that attempts to regulate the entry into, or provision of, money transfer services by record carriers, that state law, rule, or regulation is preempted by federal law to the extent necessary to correct such inconsistency with federal policy.² Nevadacom states that it requests this ruling due to the drafting of a model state law by the National Conference of Commissioners on Uniform State Laws. According to Nevadacom, that model law -- the Uniform Money-Services Business Services Act -- would govern, *inter alia*, money transfer services provided by record carriers and would, if adopted by the states, erect substantial entry barriers and impose onerous regulation.³

¹ *Pleading Cycle Established for Comments on Nevadacom, Inc. Petition for Declaratory Ruling that Telegraphic Money Order Service Is an Information (Enhanced) Service and Not Subject to State Regulation*, Public Notice, CC Docket No. 00-21, DA 00-229 (rel. Feb. 8, 2000). We received no comments addressing the Nevadacom petition. On March 24, 2000, Nevadacom filed a letter noting the lack of comments and asking the Commission to rule expeditiously on its petition.

² Nevadacom Petition at 12.

³ *Id.* at 1, 9-11.

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2. We decline to issue the declaratory ruling sought by Nevadacom. The petitioner does not argue that any state has adopted the draft model act about which it complains. For this reason, the Bureau believes it would be premature to address the concerns raised by Nevadacom at this time. Therefore, we will exercise our discretion under section 1.2 of the Commission's rules⁴ and deny the Nevadacom petition, without prejudice. If any state or states subsequently adopt a money transfer law or regulation that Nevadacom believes erects a barrier to entry, Nevadacom is free to file a petition to preempt that state law or regulation at that time.

3. Accordingly, IT IS ORDERED that the petition for declaratory ruling filed by Nevadacom, Inc. IS DENIED, without prejudice, and the proceeding IS TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION

Robert C. Atkinson, Deputy Chief
Common Carrier Bureau

⁴ Section 1.2 of the Commission's rules, 47 C.F.R. § 1.2, states that the Commission "may" issue a declaratory ruling terminating a controversy or removing uncertainty.