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10000 Building Independence  
1301 Atlantic Avenue  
Harrisburg, PA 17102-4011, U.S.A.  
t 717.348.4515 Fax 717.348.4514  
www.foxrothschild.com

Marie Jiacobello Jones  
Direct Dial: (609) 572-2259  
Email Address: [mjones@foxrothschild.com](mailto:mjones@foxrothschild.com)  
File No.: 07599-00006

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2008 JUN -9 AM 10:00  
INDEPENDENT REGULATORY  
REVIEW COMMISSION

June 2, 2008

**VIA EMAIL AND REGULAR MAIL**

Mickey Kane, Acting Board Secretary  
Pennsylvania Gaming Control Board  
P. O. Box 69060  
303 Walnut Street  
Strawberry Square  
Verizon Tower, 5th Floor  
Harrisburg, PA 17106-9060

**Re: Washington Trotting Association, Inc., License No.: F-1316**  
**Comments to Proposed Rulemaking No. 125-84**

Dear Acting Secretary Kane:

Please be advised that we represent Washington Trotting Association, Inc. ("WTA"), Category 1 Slot Operator License No. F-1316. On behalf of WTA, we are submitting the following comments to proposed amendments to regulations 58 Pa. Code §§ 421a.1, 433a.8, and 435a.2 ("Proposed Rulemaking No. 125-84").

Proposed Rulemaking No. 125-84 intends to impose the requirement that applicants execute releases that will enable the Pennsylvania Gaming Control Board (the "Board") to receive information under the Pennsylvania Right to Know Law (65 P.S. §§ 66.1-66.4) ("PARTKL") or the Freedom of Information Act (5 U.S.C. § 552) ("FOIA"). However, the specific language of Proposed Rulemaking No. 125-84 states that applicants will be required to "[e]xecute releases requested by the Board, including releases whereby the applicant consents to the release of information requested by an **individual** under the PARTKL or FOIA." (Emphasis added.)

We respectfully submit that the language of the Proposed Rulemaking No. 125-84 creates the possibility that certain confidential information could be released to an individual without the applicant's further consent. With the word "individual" included, information



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could be released to any individual requesting same from the Board and not just the Board. The preamble to the proposed regulations suggests that the Board's intention was to require an applicant execute such a release allowing the Board to receive information under the PARTKL and FOIA. We do not believe that the Board intended that an applicant would consent to the release of confidential information to an individual other than Board Staff, as the wording of the proposed amendments may allow.

Accordingly, we respectfully suggest that reference to the word "individual" be removed from the proposed amendments to 58 Pa. Code §§ 421a.1, 433a.8, and 435a.2 and that the language of Proposed Rulemaking No. 125-84 be modified to insure that the releases will enable only the Board to receive information under the PARTKL or FOIA.

Thank you for consideration of WTA's comments to the proposed regulations.

Respectfully Submitted,

  
Marie Jiacobello Jones

MJJ:bb

cc: Arthur Cocodrilli, Chairman, Independent Regulatory Review Commission  
Guy Hillyer, Executive Vice President  
Michael Graninger, Vice President and General Manager