



Fox Rothschild LLP
ATTORNEYS AT LAW

Widdow Building, Suite 400
1301 Atlantic Avenue
Harrisburg, PA 17102
Tel: (609) 348-4515 Fax: (609) 348-1234
www.foxrothschild.com

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INDEPENDENT REGULATORY
REVIEW COMMISSION

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Marie Jiacopello Jones
Direct Dial: (609) 572-2259
Email Address: mjones@foxrothschild.com
File No.: 93639-00029

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: **WMS Gaming, Inc., License No.: M-1117**
Comments to Proposed Rulemaking No. 125-84

Dear Acting Secretary Kane:

Please be advised that we represent WMS Gaming, Inc. ("WMS"), Manufacturer License No. M-1117. On behalf of WMS, 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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Mickey Kane, Acting Board Secretary
June 2, 2008
Page 2

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 WMS's comments to the proposed regulations.

Respectfully Submitted,


Marie Jiacobello Jones

MJJ:bb

cc: Arthur Cocodrilli, Chairman, Independent Regulatory Review Commission
Daurean G. Sloan, Esquire, Vice President of Regulatory Affairs