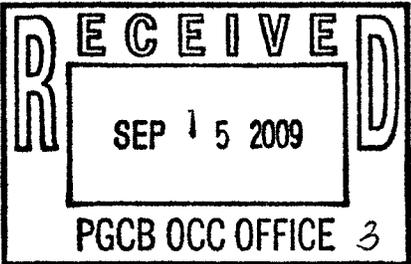


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**Comment on Proposed Rulemaking 125-100
Vendor Revisions
NCR Corporation**

NCR Corporation (“NCR”) is a publicly-traded company with its shares listed on the New York Stock Exchange and whose main business is to provide technology and services that help businesses connect, interact and transact with their customers. In 2008, NCR derived over \$5,000,000,000 in revenue by selling its products and services around the world and across several industries, including the financial services, retail and hospitality, travel and gaming, healthcare and public sector, entertainment, and software and technology services industries.

NCR appreciates the Board’s effort to improve the overall effectiveness and efficiency of the Board’s oversight of vendors by proposing the amendments in rulemaking 125-100 (the “Proposed Regulation”). In particular, NCR supports the Board’s decision to expand (1) the exception to publicly-traded vendors subject to regulatory oversight by stock exchanges and the Securities and Exchange Commission (the “Publicly-Traded Exception”) and (2) the availability of temporary credentials. NCR submits this comment to offer recommendations with respect to these two proposals.

1. The Publicly-Traded Exception

NCR agrees that the Publicly-Traded Exception will increase the effectiveness and efficiency of the Board’s oversight of publicly-traded vendors by reducing redundancies between parallel regulatory agencies. 51 Pa. Code §§ 437a.1(d)(15) and 437a.4(c) (proposed). Such companies already have substantial reporting obligations to the Securities and Exchange Commission and the stock exchanges on which they are listed. This exception and the exception for federally or state licensed vendors in 51 Pa. Code §§ 437a.1(d)(16) (proposed) will allow the Board to focus its resources on oversight of vendors that are not adequately regulated by other regulatory agencies.

The Proposed Regulation does not treat all publicly-traded vendors alike and consequently it does not eliminate all of the redundancies between parallel regulatory agencies. Publicly-traded vendors *without* any employee who must obtain an occupation permit or a nongaming employee registration would be completely exempt from certification and registration. Publicly-traded vendors *with* at least one employee who must obtain an occupation permit or a nongaming employee registration still would be required to submit an application on behalf of the company. Under this approach, an application for certification or registration by the publicly-traded vendor would still be required even if the employee(s) of the publicly-traded vendor is only on the gaming floor for limited services unrelated to gaming, such as for watering the plants.

Differentiating among publicly-traded vendors in this fashion maintains a significant burden on the Board to investigate publicly-traded vendors and a significant disincentive for publicly-traded vendors to provided services to Pennsylvania slot machine licensees notwithstanding that it simultaneously reduces the burden under the current regulations. It is meaningful that the proposed version of the Publicly-Traded Exception eliminates the requirement under the current regulations that the officer who is responsible for the conduct of

business with the slot machine licensee must also apply and be certified. Nonetheless, the proposed version of the Publicly-Traded Exception still requires the Board to expend the resources to investigate a publicly-traded vendor even though the Board has decided that such vendors are adequately regulated by the Securities and Exchange Commission and the stock exchanges on which they are listed.

NCR does not object to the permit and registration requirements for individual employees in the current version of Section 437a.7. Such employees of a publicly-traded vendor can be (and should be) investigated, approved, and permitted or registered in accordance with Section 437a.7 whether the vendor is certified, registered or exempt. The duties of these employees, however, do not warrant reconsidering the decision that publicly-traded vendors are adequately regulated by the Securities and Exchange Commission and the stock exchanges on which they are listed.

NCR recommends that the Board exempt all publicly-traded vendors from the vendor certification and registration requirements with two qualifications. First, the Board may reserve the right to require certification or registration regardless of the public nature of the vendor when the Board determines, after a review of the work being performed, that certification or registration is necessary for the protection of the integrity of gaming. Section 437a.7(d) has a similar requirement: vendor employees may be required to obtain an occupation permit or nongaming employee registration “if the Board determines, after a review of the work being performed, that obtaining a permit or registration is necessary for the protection of the integrity of gaming.” Second, an exempt vendor must nonetheless comply with the provisions of Section 437a.7 that require certain employees to obtain an occupation permit or a nongaming employee registration in accordance with Sections 435a.3 and 435a.5.

The Board can implement this recommendation without any additional investigatory burden. The “Publicly Traded Company Exemption Notification” that would be required under the proposed version of the Publicly-Traded Exception has to provide sufficient information for the Board to determine the exempt status of the publicly-traded vendor, including whether the vendor’s employees would require an occupation permit or nongaming employee registration under Section 437a.7. The same information will enable the Board to enforce the employee licensing requirements under Section 437a.7.

This recommendation would be consistent with another provision in the Proposed Regulation that would grant an exception to vendors that are “licensed by a federal or state agency if the agency’s licensing requirements are determined by the Bureau of Licensing to be substantially similar to those of the Board.” 51 Pa. Code §§ 437a.1(d)(16) (proposed). In this proposed exception, vendors would be exempt from certification and registration without regard to the licensing requirements for its employees. The Publicly-Traded Exception should apply in the same fashion.

This recommendation would also resolve an internal inconsistency in the proposed version of the Publicly-Traded Exception. With respect to applicants for vendor certification, certain control persons, i.e. officers and directors, have to be found qualified by the Board unless the applicant for vendor certification is publicly-traded. 51 Pa. Code §§ 437a.4(c) (proposed). With respect to applicants for vendor registration, however, the same control persons have to be

found qualified by the Board whether the applicant for vendor registration is publicly-traded or private.

Following in italics is substitute language for the Publicly-Traded Exception showing our recommend changes in **bold** and ~~strikethrough~~.

§ 437a.1(d)

* * *

*(15) A person, or subsidiary of a person, that has a class of equity securities listed on the New York Stock Exchange, the NASDAQ Stock Market, the American Stock Exchange, or a foreign stock exchange determined by the Bureau of Licensing to have similar listing requirements, ~~and whose conduct of business with a slot machine applicant or licensee does not require the employees of the person or a subsidiary of the person, to be permitted or registered under this chapter.~~ In order to qualify for this exemption, a person must **satisfy the following requirements:***

*(i) **The person must submit a Publicly Traded Company Exemption Notification form to the Bureau of Licensing.***

*(ii) **The employees of the person shall apply for an occupation permit or nongaming employee registration if required under Sections 437a.7 (relating to registered and certified vendor responsibilities).***

*(iii) **The Board does not determine, after a review of the work to be performed, that certification or registration is necessary for the protection of the integrity of gaming.***

* * *

§ 437a.7

* * *

*(b) **An employee of a certified vendor or a vendor that is exempt under 437a.1(d)(15) (relating to general vendor requirements) shall be required to obtain an occupation permit under § 435a.3 (relating to occupation permit) if:***

* * *

*(c) **An employee of a certified vendor or a vendor that is exempt under 437a.1(d)(15) (relating to general vendor requirements) that is not required to obtain an occupation permit under subsection (b) shall be required to obtain a nongaming employee registration under § 435a.5 (relating to nongaming employee registration) if:***

* * *

(d) Employees of a certified vendor or a vendor that is exempt under 437a.1(d)(15) (relating to general vendor requirements) who are not required to obtain an occupation permit or a nongaming employee registration under subsection (b) or (c) may be required to obtain an occupation permit or nongaming employee registration if the Board determines, after a review of the work being performed, that obtaining a permit or registration is necessary for the protection of the integrity of gaming.

2. Temporary Access Credentials

NCR supports the Board's willingness for the Casino Compliance Representative at licensed facilities to provide a Vendor Employee Temporary Access Credential under limited circumstances that ensure the integrity of gaming. These circumstances should ensure that the employee cannot affect the operation of slot machines or associated equipment but otherwise permit the employee to provide the goods or services to the slot machine licensee.

A temporary access credential should be available to employees of any vendor that is certified, registered, exempt under Section 437a.1(d) or authorized to do business with a slot machine licensee under Section 437a.9 under the same conditions as in the proposed version of Section 435a.11. If a vendor is exempt under Section 437a.1(d) or authorized to do business with a slot machine licensee under Section 437a.9, it should not disqualify the employees from obtaining the temporary access credential.

Following in italics is substitute language for the Vendor Employee Temporary Access Credentials showing our recommend changes in **bold** and ~~strikethrough~~.

§ 435a.11

*(a) The Board's casino compliance representatives at a licensed facility may issue a Vendor Employee Temporary Access Credential to an **employee of a vendor that is certified, registered, exempt under 437a.1(d) (relating to general vendor requirements), or authorized to conduct business with a slot machine applicant or licensee under Section 437a.9 (relating to permission to conduct business prior to certification or registration)** ~~to an employee of a registered or certified construction company vendor who~~ **when the employee is completing work on the gaming floor or in a restricted area under the registered or certified construction company vendor's original contract, change orders or punch lists, or to complete periodic repairs or warranty work if:***

*(1) The employee's duties of employment or incidental activities related to employment do not ~~require~~ **permit** the employee to **affect the operation of slot machines or associated equipment** ~~touch or have contact with a slot machine or associated equipment other than exterior cleaning.~~*

(2) The employee will be under the supervision of an employee of the slot machine licensee's security department who is authorized to have access to the area where the work is being performed.

(b) To receive a Vendor Employee Temporary Access Credential the employee ~~of the registered or certified construction company vendor~~ must surrender his or her driver's license or other photo identification.

(c) A Vendor Employee Temporary Access Credential will not be issued to an employee ~~of a registered or certified construction company vendor~~ for more than 12 days in a 12-month period.