

213 Market Street, 9th Floor, P.O. Box 865, Harrisburg, PA 17108-0865
Tel: (717) 237-7160 ■ Fax: (717) 237-7161 ■ www.WolfBlock.com

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Mark S. Stewart
Direct Dial: (717) 237-7191
Direct Fax: (717) 237-2771
E-mail: mstewart@wolfblock.com

February 27, 2009

VIA HAND DELIVERY

Richard Sandusky
Director of Regulatory Review
Pennsylvania Gaming Control Board
303 Walnut Street, Strawberry Square
Verizon Tower, 5th Floor
Harrisburg, PA 17106

Re: Comments to Proposed Rulemaking #125-94

Dear Mr. Sandusky:

Downs Racing, L.P. t/d/b/a Mohegan Sun at Pocono Downs ("MSPD"), is a Category 1 slot machine licensee that owns and operates a licensed facility located at 1280 Highway 315 Wilkes-Barre, Pennsylvania. MSPD respectfully submits the following comments to the Pennsylvania Gaming Control Board (the "Board") in connection with its proposed rulemaking #125-94.

The proposed rulemaking updates the requirements for filing slot machine master lists. The regulations would, *inter alia*, rename the currently existing lists, revise their required content, and require that all lists be filed electronically. MSPD's comment focuses on the revised content of the newly named Gaming Floor Slot Machine Master List. Specifically, MSPD submits that the items required at Section 463a.5(b)(2)(xi) and (xiii) are redundant, and that subsection (xi) should be eliminated.

The subsections require that the List include the minimum payout percentage (subsection (xi)) and the payable ID (subsection (xiii)) for each slot machine located on the gaming floor. However, the minimum payout percentage is already included in the payable ID and is, thus, approved by the Board when it approves the payable ID. If the minimum payout percentage were too low, the Board would not have approved the payable ID. As such, no need exists that requires the separate reporting of the minimum payout percentage.

Furthermore, such separate reporting would impose an unnecessary burden on MSPD. Presently, the payable ID for all slot machines is already included in the lists that must be maintained. A significant number of employee hours would be required to add the redundant

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minimum payout percentage for each of the nearly 2,500 slot machines at MSPD. To avoid this unnecessary expense, MSPD urges the Board to eliminate the reporting requirement at proposed Section 463a.5(b)(2)(xi).

Thank you for considering the comments of MSPD in regard to the proposed rulemaking. We will be happy to answer any questions the Board has on these comments.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark S. Stewart", with a long horizontal line extending to the right.

Mark S. Stewart
For WolfBlock LLP

MSS/jls

cc: Michael Bean
Curtis Rogers