



MASSACHUSETTS GAMING COMMISSION MEETING

July 10, 2014
10:30 a.m.

Boston Convention and Exhibition Center
415 Summer Street, Room 102-B
Boston, MA



Massachusetts Gaming Commission



NOTICE OF MEETING and AGENDA
July 10, 2014

Pursuant to the Massachusetts Open Meeting Law, G.L. c. 30A, §§ 18-25, notice is hereby given of a meeting of the Massachusetts Gaming Commission. The meeting will take place:

Thursday, July 10, 2014
10:30 a.m.
Boston Convention and Exhibition Center
415 Summer Street, Room 102B
Boston, MA

PUBLIC MEETING - #128

1. Call to order
2. Approval of Minutes
 - a. June 20, 2014
 - b. June 26, 2014
3. Racing Division – Jennifer Durenberger, Director
 - a. Administrative Update
 - b. Request for Consideration and Reimbursement from Harness Horse Promotional Trust Fund Monies
4. Administration – Rick Day, Executive Director
 - a. General Update
 - b. Penn Project Schedule – Final Approval – J. Pinck, Pinck & Co. – VOTE
 - c. MGC Employee and Applicants Diversity Report – D. Lennon, CFAO and T. Banda, Human Resources Director
 - d. Gaming Positions – J. Glennon, CIO
 - e. Region C Update
5. Legal Division – Catherine Blue, General Counsel
 - a. Emergency Regulation – Amend CMR 205 122 – Calculation of Capital Investment
 - b. Delegation of Authority – Appointment of Racing Hearing Officer
 - c. Monitoring and Preopening and Qualifier Regulations – Consider Comments and Approval – R. Day, Executive Director - VOTE



Massachusetts Gaming Commission

- 6. Region A
 - a. Master Licensing Schedule – Region A Update - R. Day, Executive Director and C. Blue, General Counsel
- 7. Other business – reserved for matters the Chair did not reasonably anticipate at the time of posting.

I certify that on this date, this Notice was posted as “Gaming Commission Meeting” at www.massgaming.com and emailed to: regs@sec.state.ma.us, melissa.andrade@state.ma.us.

7/7/14
(date)

Stephen P. Crosby
Stephen P. Crosby, Chairman

Date Posted to Website: July 8, 2014 at 10:30 a.m.



Massachusetts Gaming Commission



Meeting Minutes

Date: June 20, 2014

Time: 10:30 am

Place: Hynes Convention Center
Room 311
800 Boylston Street
Boston, MA

Present: Commissioner James F. McHugh
Commissioner Gayle Cameron
Commissioner Bruce Stebbins
Commissioner Enrique Zuniga

Absent: Chairman Stephen P. Crosby (recused from Region A matters)

Call to Order:

Commissioner McHugh opened the 125th public meeting.

Commissioner McHugh introduced the purpose of the meeting today which is to discuss the traffic plans and the methods and means to get to the projects proposed by Mohegan Sun Massachusetts LLC and Wynn MA LLC. Commissioner McHugh explained that each of the applicants will present their plan. The Commissioners will then ask any questions they have of the applicants. After the Commissioners ask their questions, the consultants assisting the Commission in its review of the RFA 2 applications will be able to ask questions. Commissioner McHugh stated that the traffic plans are fluid and are part of the MEPA and permitting processes and thus subject to change as the applicants proceed through that process.

Commissioner McHugh asked Ombudsman Ziemba to provide an overview of the presentations and to introduce the speakers for each applicant.

Ombudsman Ziemba stated that each applicant will present an overview of its traffic plan pursuant to 205 CMR 120 and 125. Each applicant has 90 minutes but no longer than 2 hours in which to make its presentation. After each presentation the Commissioners and the consultants will be able to ask questions. Mr. Ziemba introduced the consultants.

They are Rick Moore from City Point Partners and Jason Sobel from Green International Affiliates.

Presentation by Mohegan Sun Massachusetts LLC (MSM)

MSM was represented by Gary Luderitz, Vice President, Operations, Mohegan Sun; Jeff Mullan, Esq., Foley Hoag; and John Kennedy, VHB. The City of Revere was represented by Brian Falk, Esq. Mirick O'Connell; and Bob Button and Dan Murphy from CDM Smith.

Please refer to the PowerPoint presentation included with these minutes for the actual presentation. The presentation included 5 parts. Gary Luderitz presented the Overview and Highlights sections. Jeff Mullan and John Kennedy presented the remainder of the presentation.

John Kennedy presented VISSIM. VISSIM is a modeling tool which takes existing conditions and overlays models showing the change in existing conditions once the proposed improvements are in place. Mr. Kennedy presented several options using VISSIM to increase capacity and to mitigate traffic issues on route 1A.

Commissioner Zuniga asked if MSM had a preferred option out of the options shown. Mr. Mullan responded that MA DOT will most likely choose the option that will be implemented.

Commissioner Cameron asked whether all the mitigation plans would be completed before the opening of the project. Mr. Mullan responded that the mitigation plans can be completed before opening but that MSM has not yet committed to that. This will be part of MSM's final MEPA filing. Mr. Mullan said that the route 1A mitigation plans will be completed prior to opening.

Commissioner Cameron asked whether the projected opening date has been changed. Mr. Mullan stated that the projected opening date is dependent upon the licensing process and the weather but is still expected to occur 30 months after the award of a license.

Commissioner Zuniga asked whether the \$45 million in funding proposed by MSM included the most costly route 1A option. Mr. Mullan stated that the mitigation will probably cost more than \$45 million depending on the final options chosen.

Commissioner Zuniga stated that making cuts in the median is not as easy as it seems and asked how MA DOT viewed them in MSM's proposal. Mr. Mullan deferred to Mr. Kennedy who stated that several of the median breaks proposed in MSM's plan are already part of the North Shore Transportation Study in which Mass Highway, MA DOT and DCR were involved.

Commissioner Stebbins asked if the non-route 1A improvements were part of any other studies or plans. Mr. Mullan responded that several areas have been studied over the years as part of other projects in the area.

Commissioner Stebbins further stated that the Host Community Agreement with the City of Revere discusses improvements and asked who decides what those improvements are. Mr. Mullan stated that MA DOT will decide since they own the roadways being improved.

Commissioner Stebbins asked if MSM was committed to the total costs of the improvements if the costs exceeded the amount stated. Mr. Mullan stated that MSM was committed to mitigation and isn't proposing to cap its monetary exposure.

Commissioner McHugh asked about MSM's inclusion of public transportation in its mitigation plan, noting that the T does not run during certain early morning hours or after 1:00 AM. Mr. Mullan stated that MSM supports extended T service and has discussed possible extended headway service with the T.

Commissioner Zuniga stated that MA DOT may go to two way tolling and asked if that occurred, what impact would that have on MSM's traffic plan. Mr. Mullan responded that if MA DOT calls for two way tolling it will be electronic tolling in the Callahan, Sumner and Williams tunnels. MSM's traffic counts are based on one way tolling in the Callahan tunnel. MSM believes that two way tolling may cause traffic counts to flatten out but will not measurably impact traffic count. Mr. Kennedy responded that there would not be much change in the Williams tunnel and that it would impact the Callahan and Sumner tunnels more. MSM will continue to evaluate this scenario.

Mr. Moore asked MSM whether it was concerned that MSM's traffic plan was moving traffic up into Bell Circle. Mr. Kennedy responded that it may impact times in the lower end of Bell Circle.

Mr. Moore asked MSM whether MSM had discussed its improvements on the Revere Beach Parkway with the Historical Commission. Mr. Mullan advised that they had those discussions but did not expect any statement from the Historical Commission until the permitting process. No significant issues have been raised so far. DCR is supportive of MSM's plans. The median break and small addition of pavement included in the proposed improvements should not have a significant impact on the historic nature of the parkway.

Mr. Moore asked whether MSM had identified the location of the off-site parking included in its proposed plan. Mr. Mullan stated that the third party operator of the service would identify those locations. There will likely be a need for approximately 750 spaces based upon MSM's projection that 30% of its employees will use the T to get to work. The third party operator will use available capacity where possible. The location will also depend on where employees live. MSM does not expect to have to build new parking facilities.

Mr. Moore asked how MSM will operate its proposed parking garage in the event of a 100 year flood event. Mr. Mullan explained that they are accommodating this as part of the design and that no equipment will be located in the potential flood area.

Mr. Sobel asked MSM whether the improvements to Furlong Drive will accommodate all of the traffic anticipated and how will the three access points be distributed. Mr. Mullan explained that not all the traffic will come via Furlong Drive. It will be split between various access points with 80% of the traffic coming via route 1A and 20% coming via Winthrop Avenue to Tomasello Avenue.

Mr. Moore asked when MSM was scheduled to make its MEPA filing. Mr. Mullan responded that it anticipated that it would make its MEPA filing within the next few weeks, with its FEIR filing after that.

Meeting Recessed

Commissioner McHugh recessed the meeting at 12:15 pm and announced the meeting would reconvene in approximately 1 hour.

Meeting Reconvened

The meeting was reconvened by Commissioner McHugh at 1:25 pm. Ombudsman Ziemba reiterated the time requirements and introduced the team from Wynn MA LLC.

Presentation by Wynn MA LLC. (Wynn)

Wynn was represented by Robert DeSalvio, Senior Vice President of Wynn Development; Chris Gordon, Dirigo Group; and Keri Pyke, Howard/Stein Hudson. Please refer to the PowerPoint presentation included with these minutes for the actual presentation.

Mr. DeSalvio discussed the important of the traffic plan. He stated that people decide which casino to visit based on how easy it is to get to and from the casino. Mr. DeSalvio presented the overview of the transportation plan. It includes a \$50 million privately funded mitigation plan.

Mr. Gordon presented the overall transportation plan. He stated that Wynn commits to the mitigation described whatever the final cost.

Ms. Pyke presented the roadway improvement plans. She stated that all improvements will be completed before the opening of the project.

Commissioner McHugh asked whether the underpass for Rutherford Avenue will remain. Mr. Gordon and Ms. Pyke stated that it would remain. Wynn's plan will work with whatever is finally done with Sullivan Square.

Commissioner McHugh asked whether a water shuttle between Assembly Square and the project location is feasible. Mr. Gordon stated that it was and it was studied but it was not efficient and was not included in Wynn's plan.

Mr. DeSalvio provided a summary wrap up of the plan and stated that Wynn planned to file its FEIR on June 30.

Commissioner Cameron stated that the original opening was estimated to be 33-36 months from the award of the license and asked whether that date will change. Mr. DeSalvio stated that the 33-36 month timeframe will not change but could float based upon the award date.

Commissioner Cameron asked how Wynn was dealing with the various cities, towns and MA DOT as part of the permitting process. Mr. Gordon stated that about 19 permits were needed and that discussions were started with all of the cities and towns. The land necessary for the improvements has been secured.

Commissioner Zuniga referred to slide 25 of the Wynn presentation and stated that it showed a reduction in traffic. Mr. Gordon explained that the reduction shown was based upon a reduction in single passenger cars and that this reduction includes more patrons than employees.

Commissioner Stebbins asked whether there was an agreement with the MBTA to cycle Wynn buses through MBTA stations. Mr. Gordon stated that Wynn was working with the MBTA on those stations controlled by the MBTA. Otherwise they are working with private property owners.

Commissioner Stebbins referred to slide 27 which showed a change in the Friday peak hour traffic. Mr. Gordon explained that the slide showed the actual peak hour for the area. The Wynn peak hour would be later in the evening.

Commissioner Stebbins stated that 63% of the patrons come through Sullivan Square and 73% exit through Sullivan Square and asked how does this work. Ms. Pyke explained that the traffic is coming from 93 north through Somerville. Some may come through route 16 but it is anticipated that most traffic will decide to come further south on 93 before exiting.

Commissioner McHugh asked whether the proposed upgrades work whether Rutherford Avenue is an underpass or a surface road Mr. DeSalvio stated that Wynn wanted to make sure that its changes worked with any future changes to Rutherford Avenue.

Commissioner McHugh referred to slide 25 which showed that tour buses accounted for 10% of patrons and stated that he thought that the RFA 2 application showed no reliance on tour buses. Mr. DeSalvio stated that there was no change in the model but believed that there were opportunities to get people out of their cars and onto buses, especially after Wynn reviewed comments it received on its DEIR.

Mr. Moore asked whether the increase in water transportation was based upon the marketing plan. Mr. DeSalvio stated that Wynn thinks this is a great method to provide access to the property. Ms. Pyke stated that Wynn looked at whether they could find

people in Boston who would want to get on a water shuttle and come to the property. The tourism market would support this type of transportation.

Mr. Moore asked if Wynn does not get its preferred access route to the property would access work through the existing road. Mr. Gordon said that he thinks using the existing road would work. Wynn prefers the proposed access, but if it cannot obtain that, it will control how and when certain types of vehicles use the existing access road.

Mr. Moore asked whether Wynn talked to MA DOT about Santilli Circle. Mr. Gordon stated that there is a meeting with MA DOT scheduled soon and that MA DOT is aware of Wynn's plan and would have to approve it.

Mr. Moore asked whether the plan for Santilli Circle could delay any filings. Mr. Gordon said no and that MA DOT had suggested that Wynn consider the proposed plan. Ms. Pyke stated that they will include all the options considered in the appendix to the FEIR to show how those options work or don't work.

Mr. Moore asked whether the FEIR will show the surface option in the first phase and whether the traffic analysis for the second phase will be included as part of the FEIR. Mr. Gordon stated that the analysis for the second phase was included in the DEIR and he believed that it would be included in the FEIR. Ms. Pyke confirmed that this information would be included in the FEIR.

Mr. Sobel stated that there was some discussion in the DEIR about periods when on-site parking would be over capacity and he asked how that would be addressed. Mr. Gordon explained that the FEIR would show increased parking in response to comments received on this issue. Mr. Moore asked whether the increased parking would be enlarged surface parking. Ms. Pyke responded that it would include enlarged surface parking and that this would allow Zip Car and electric charging stations in the garage. Mr. DeSalvio explained that the increased parking would be below the retail space and that this would provide three different locations from which the property could be accessed from the parking areas. Mr. Moore then asked whether this meant that valet parking during over capacity situations was off the table and Mr. DeSalvio stated yes.

Mr. Sobel asked whether any analysis was done on the number of times the project would cause the draw bridge over the Mystic River to be raised. Mr. Gordon said that there was a lot of discussion on this issue and that data on this issue does not exist. No concerns have been raised.

Mr. Moore asked whether analysis regarding accommodating off site public transportation would be included in the FEIR. Mr. Gordon said that if the accommodation was on public property the analysis may not be included; however whatever the DEIR required will be provided.

Mr. Moore asked whether NEPA review will be required as part of the project. Mr. Gordon stated that Wynn was working on that. The Army Corp of Engineers will be the

point on that issue. Wynn will apply for whatever permits the Army Corp requires and will update the FEIR as needed.

Commissioner McHugh asked for a vote to adjourn the meeting. A motion was made to adjourn; the motion was seconded and carried unanimously. The meeting was adjourned at 3:06 pm.

List of Documents and Other Items Used at the Meeting

1. Massachusetts Gaming Commission June 18, 2014 Notice of Meeting and Agenda
2. PowerPoint presentation by Mohegan Sun Massachusetts LLC
3. PowerPoint presentation by Wynn MA LLC

/s/ Catherine Blue
Catherine Blue
Assistant Secretary



Meeting Minutes

Date/Time: June 26, 2014 – 10:30 a.m.

Place: Boston Convention and Exhibition Center
415 Summer Street, Room 102
Boston, Massachusetts

Present: Commissioner Stephen P. Crosby, Chairman
Commissioner Gayle Cameron
Commissioner James F. McHugh
Commissioner Bruce Stebbins
Commissioner Enrique Zuniga

Absent: None

Call to Order

See transcript page 2.

10:30 a.m. Chairman Crosby called to order the 126th public meeting

Approval of Minutes

See transcript pages 2-6.

10:30 a.m. Commissioner McHugh stated that two sets of minutes are ready for approval.

Motion made by Commissioner McHugh that the minutes of June 10th, 11th, and 13th be accepted. These are one set of minutes over the span of several days. Motion seconded by Commissioner Cameron. The motion passed unanimously

Motion made by Commissioner McHugh that the minutes of June 12th be accepted. Motion seconded by Commissioner Stebbins. The motion passed unanimously.

Workforce Development and Supplier Diversity

See transcript pages 6-135.

- 10:34 a.m. Director Jill Griffin presented an updated on the Community College Institute and their partnering with the Massachusetts Casino Career Training Institute (MCCTI).
- 10:36 a.m. President Messener from Holyoke Community College (HCC) presented an update regarding their partnership with MCCTI and the collaboration being done with the community colleges in the area.
- 10:47 a.m. John Caressimo from Bristol Community College (BCC) presented an update on their work and collaboration with Penn National Gaming to design a degree program at BCC.
- 10:53 a.m. Theresa Romanovitch from BCC discussed the collaboration with Bristol and New Bedford career centers for a training program for potential future gaming employees.
- 11:02 a.m. Jeff Hayden from Holyoke Community College gave a presentation on the collaboration of HCC and the Hotel Training School in Boston for training potential employees. HCC and MGM are working together to fill the demand for employees and moving employees through a career pathway.
- 11:19 a.m. Bogusia Wojciechowska, Dean of Professional Studies at Bunker Hill Community College presented on their work with community colleges, investment boards, career centers and the Hotel Training School in Boston.
- 11:25 a.m. Patricia Gentile, president of North Shore Community College, discussed their education programs geared towards the gaming industry and their collaboration with the employers human resource departments to develop training programs to fit the employment needs.
- 11:48 a.m. Commission took a short break
- 11:59 a.m. Meeting resumed
- 12:00 p.m. Director Jill Griffin gave an update on the Department of Professional Licensure's application process and the timeline for receiving a license from DPL. The Commission wants to ensure the schools are able to move through the process in timely manner.

- 12:10 p.m. Penn National discussed their vendor diversity plan and their workforce hiring plans.
- 12:51 p.m. *Motion made by Commissioner Stebbins to approve Penn National's vendor operational development plan and workforce development report with conditions and edits made as suggested. Motion seconded by Commissioner Cameron. Motion passed unanimously.*
- 12:52 p.m. Director Griffin presented a mockup workforce and vendor statistical data report and proposed posting such reports on the website.

Racing Division

See transcript pages 135-142

- 12:55 p.m. Director Durenberger presented an administrative update relative to live racing, the occupational licensees licensed by the Commission, the independent audit report, and the approval for Suffolk Downs to reschedule several live racing days.
- 12:58 p.m. Ed Nowak on behalf of the Standardbred Owners of Massachusetts (SOM) asked the Commission to recognize SOM, pursuant to M.G.L. c.128(2)(j), as the representative organization for the Sire States program for Standardbred racing in Massachusetts.
- 1:01 p.m. *Motion made by Commissioner Cameron to formally recognize the Standardbred Owners of Massachusetts to be the organization representing the Standardbred owners and breeders in the Commonwealth. Motion seconded by Commissioner McHugh. Motion passed unanimously.*
- 1:02 p.m. The Commission broke for lunch.

Administration

See transcript pages 143-168

- 1:56 p.m. CFAO Derek Lennon gave an administrative update regarding licensing fees, the hiring process, and the fiscal year 2015 budget, including public comments made on the budget.
- 2:20 p.m. *Commissioner Zuniga moved for the Commission to approve the budget as presented as well as the assessment to the licensees as presented and discussed. The motion was seconded by Commissioner McHugh. Motion passed unanimously.*

Ombudsman Report

See transcript pages 168-254.

- 2:21 p.m. Ombudsman Ziemba reported on the public comments received regarding the Commission's actions regarding region C.
- 2:23 p.m. Director Wells of the IEB gave an update on the background investigations for region C applicants.
- 2:30 p.m. Ombudsman Ziemba, Director Wells, and the Commissioners discussed the region C licensing schedule, and amending the regulations to state that the applications should be substantially complete upon the deadline set.
- 3:04 p.m. *Motion made by Commissioner Cameron to extend the deadline and open Region C to new applicants. Commissioner Cameron proposed that the new deadline to be extended to December 1, 2014 for the RFA 1 application to be substantially complete, including operator and equity interests, and the RFA 2 deadline is extended to March 27, 2015. Motion seconded by Commissioner Stebbins. Motion passed unanimously.*
- 3:25 p.m. Commissioner Zuniga asked the Commission to revisit the question of the costs included in the calculation of minimum capital investment, in particular land costs and capitalized interest costs. The Commission discussed the state of competition in Region C and whether it makes sense to include land costs and/or capitalized interest costs as part of the calculation of capital investment in Region C.

Motion made by Commissioner Zuniga to amend the Commission's regulations, either in the regular process or by emergency amendment, to allow for the inclusion of capitalized interest in the calculation of the minimum capital investment for Region C. Motion seconded by Commissioner Cameron. The motion carries by a vote of 3 to 2, with Commissioners McHugh and Crosby voting nay.

Motion made by Commissioner Zuniga to amend the Commission's regulations, either in the regular process or by emergency amendment to include the cost of the land in the calculation of minimum capital investment in Region C. Motion seconded by Commissioner Stebbins. The motion fails by a vote of 4 against, 1 in favor, with Commissioner Zuniga voting in favor.

Chairman Crosby left the meeting after this motion and was not present for the balance of the meeting.

Legal Report

See transcript pages 255-306

4:00 p.m. Deputy General Counsel Grossman presented a status update on the meeting with the Department of Banking regarding the rules about the placement of ATMs at gaming establishments. Mr. Grossman stated that he and Chairman Crosby had a productive meeting with the staff at the Department of Banking and that further research needs to be done regarding how other states address this issue. Mr. Grossman will report back to the Commission once this research and further discussions with the Department of Banking are completed.

Deputy General Counsel Lillios, IEB Director Well and Assistant Director Band presented an update on the proposed surveillance and administrative search regulations. Ms. Wells discussed the comments received to date on the regulations and asked the Commission to approve starting the regulations through the formal promulgation process.

Motion made by Commissioner Stebbins that the Commission approve draft regulations 205 CMR 141 and 205 CMR 142 for the purposes of initiating the public comment phase of the regulatory process. Motion seconded by Commissioner Cameron. Motion carried unanimously.

General Counsel Blue presented item 8 on the agenda which is a request by the City of Chelsea for a hearing to vacate the arbitrator's award selecting Wynn MA LLC's best and final offer as the surrounding community agreement between Wynn MA LLC and the City of Chelsea. Ms. Blue explained the regulatory basis for the arbitration process and the process by which the arbitrator made its decision. She stated that representatives of Wynn MA LLC and the City of Chelsea are present and ready to present their position to the Commission. Attorney Josh Monahan addressed the Commission on behalf of the City of Chelsea. Attorney Tony Starr addressed the Commission on behalf of Wynn MA LLC. After listening to the presentations, the Commissioner McHugh presented the choices before the Commission in making a decision on the request.

Motion made by Commissioner Cameron that the City of Chelsea's request to have a hearing with regard to the arbitrator's decision be denied. Motion seconded by Commissioner Zuniga. The motion carried unanimously.

4:40 p.m. *The Commission having no further business, a motion was made by Commissioner Cameron to adjourn the meeting. The motion was seconded by Commissioner Stebbins. The motion carried unanimously.*

List of Documents and Other Items Used

1. Massachusetts Gaming Commission June 26, 2014
2. Massachusetts Gaming Commission June 10-13, 2014 Meeting Minutes
3. Massachusetts Gaming Commission June 12, 2014 Meeting Minutes
4. Massachusetts Casino Careers Training Institute presentation
5. Division of Professional Licensure updates to license renewal application process. September 10, 2013.
6. Division of Professional Licensure, Initial and Renewal License Application and Checklist.
7. DRAFT Massachusetts Gaming Commission Gaming School Certification Form
8. Plainridge Park Casino Purchasing Practices Plan for Local and Traditionally Disadvantaged & Diverse Businesses
9. Plainridge Park Casino Strategic Plan to Engage & Recruit the Diverse, Under & Unemployed Workforce Population
10. E-mail regarding comments on Penn National's Vendor and Workforce Plans.
11. DRAFT Proposed website mock-up
12. June 11, 2014 Suffolk Downs letter regarding canceling some racing days.
13. June 13, 2014 Massachusetts Gaming Commission approval of Suffolk Downs request to reschedule live racing days
14. June 26, 2014 Massachusetts Gaming Commission memorandum regarding the request from Standardbred Owners of Massachusetts
15. June 5, 2014 Letter from Standardbred Owners of Massachusetts regarding request for recognition.
16. June 22, 2014 Massachusetts Gaming Commission Memorandum regarding Fiscal Year 2015 budget.
17. Massachusetts Gaming Commission 5-21-2014 Licensing Schedule Update
18. Host Community Agreements- Region C schedules
19. Additional Potential Region C RFA-2 Application Dates
20. Comment Letters for Time Period Ending 6/23/2014, Summary of Issues
21. Public comments regarding region C timeline and expanding the definition of capital expenditure.
22. DRAFT 205 CMR 141.00 regulations
23. DRAFT 205 CMR 142.00 regulations
24. Public comments on draft regulations
25. City of Chelsea Objection to Arbitrator's Final Report and Request for Vacatur

/s/ Catherine Blue
Catherine Blue
Assistant Secretary

NO DOCUMENTS



Division of Racing

To: Stephen Crosby, Chairman
 Gayle Cameron, Commissioner
 Jim McHugh, Commissioner
 Bruce Stebbins, Commissioner
 Enrique Zuniga, Commissioner

From: Jennifer Durenberger, Director of Racing JD

Date: 10 July, 2014

Re: **Harness Horse Promotional Trust Fund Request** (project #PPR 13-01)

Commissioners:

Under M.G.L. c.128A §5(d)(4), the harness racing licensee must:

“...pay into a trust fund known as the Harness Horse Promotional Trust Fund, under the direction and supervision of the state racing commissioners as they are individuals as trustees of the trust, a sum equal to 1 per cent to be paid from the 26 per cent withheld from the total amount wagered by patrons so wagering on exotic races;”

From time to time, racetrack licensees submit requests for consideration of distributions from that fund. The purposes for which those funds may be used are outlined in c.128A §5(g):

“The trustees may expend without appropriation all or any part of the promotional trust funds to the appropriate track licensee in proportion to the amount deposited in each fund by the track licensee for use in promotional marketing, to reduce the costs of admission, programs, parking and concessions and to offer other entertainment and giveaways. The trustees may expend to a licensee all amounts accumulated in the trust funds which are attributable to racing operations conducted at each applicable track.”



Massachusetts Gaming Commission

The process by which such requests are considered is further outlined in that section:

"The trustees may prescribe terms and conditions for the grants and may designate specific capital improvements or promotions to be undertaken by a licensee; provided, however, that, prior to approving any expenditures from the funds for purposes not designated by the trustees, the trustees shall require the licensee to submit to them detailed business plans describing the specific promotions and capital improvements contemplated by the licensee and shall formally vote to permit the expenditures; provided, further, that, under no circumstances, shall the trustees permit the expenditure of trust funds for purposes not directly related to the improvement of racing or for the raising of handles and attendance....

No expenditure for capital improvements or for promotions shall be approved by the trustees if the improvements or promotions are to be accomplished pursuant to a contract with a person, corporation, partnership, trust or any combination of the same or any other entity owned wholly or in part by a person, corporation, partnership, trust or any combination of the same or any other entity which owns or operates or holds an interest in any race track in the commonwealth.

The trustees shall hire the services of architectural and engineering consultants or the services of such other consultants as they deem appropriate to advise them generally and to evaluate proposed capital improvement and promotional projects submitted to them for their approval."

The Racing Division recently received a request for consideration from Ourway Realty for reimbursement of costs attributable to racing operations at Plainridge Racecourse in 2013, namely reimbursement of satellite uplink costs to export their live racing signal to guest sites for simulcasting (project #PPR 13-01). The total amount of the request is \$117,600.

It is our opinion that this request appears to fit solidly within the purposes contemplated by the statute. These costs are 100% attributable to racing operations and are directly related to the raising of handle, as nearly 90% of handle on Plainridge races comes from simulcast export to guest sites. To the best of our knowledge, the third party service provider involved, Roberts Communications, does not own, operate, or hold an interest in any racetrack in the commonwealth.



Massachusetts Gaming Commission

While the Commission contracts with an architectural services firm to consult on capital improvement fund requests, this simple promotional request is not appropriate for their review. The costs are well within industry standards, and similar requests have been submitted and approved throughout Ourway's operation of Plainridge Racecourse.

Recommendation: That the Commission approve the attached Ourway Realty request for consideration and request for reimbursement for satellite uplink costs to export the Plainridge Racecourse live racing signal in calendar year 2013.



Massachusetts Gaming Commission

84 State Street, 10th Floor, Boston, Massachusetts 02109 | TEL 617.979.8400 | FAX 617.725.0258 | www.massgaming.com



Ourway Realty, LLC
181 Wells Ave - Suite 301
Newton, MA 02459
Phone: (617) 928-9432
Fax: (617) 964-5318

June 20, 2014

Ms. Jennifer Durenberger
Massachusetts Gaming Commission
84 State Street - 10th Floor
Boston, MA 02109

RE: Plainridge Racecourse
PPR-13-01

Dear Jennifer,

Enclosed are two copies of our "Request for Consideration" and "Request for Reimbursement" for promotional expenditures RE: PPR-13-01.

Total Request: \$117,600

If you have any questions, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Alfred S. Ross". The signature is fluid and cursive, with a large loop at the end.

Alfred S. Ross
Ourway Realty, LLC

The Commonwealth of Massachusetts

MASSACHUSETTS GAMING COMMISSION

CAPITAL IMPROVEMENT TRUST FUND PROMOTIONAL TRUST FUND

84 State Street, 10th Floor
Telephone (617) 979-8400 • Fax (617) 725-0258



Division of Racing

• All information must be complete before any requests (RFC or RFR) can be processed.

1. Date 6/20/14
2. Association Making This Request OURWAY REALTY - PLAIN RIDGE RACECOURSE
3. Project # PPR 13-01 (unique project number)
4. Project Title UPLINK (unique descriptive title of this project)
5. Type of Request (indicate RFC or RFR)

<input checked="" type="checkbox"/> RFC / Request for Consideration	<input checked="" type="checkbox"/> RFR / Request for Reimbursement
<input type="checkbox"/> Capital Improvement Fund	<input checked="" type="checkbox"/> Promotional Trust Fund
6. Total Project Amount Requested: \$ 117,600 Estimate / RFC Actual / RFR

7. *RFC only* – Provide a detailed description of the promotional or capital improvement project including the project objectives, how it will enhance the operations of the association and / or improve attendance and handles at your racetrack.

UPLINK COSTS OF LIVE RACING TO SEND TO GUEST SITES

7. *RFR only* – Requests for reimbursement must contain a listing of all project expenditures by date, paid to and check number. Each expenditure must be supported by a copy of the invoice and cancelled check of the payment.

8. For Capital Improvement Projects only, RFC's and RFR's must be submitted to the Commission's architect engineer consultant for review. The consultant makes recommendations to the Trustees relative to the cost and nature of the capital improvement project.

By Track Official:  Title MANAGER Date: 6/20/14

Ourway Realty, LLC
 Plainridge Racecourse
 RFC - RFR - Promotional Trust Fund

Date: 06/20/14

PPR-13-01

<u>Date</u>	<u>Provider</u>	<u>Service</u>	<u>Amount</u>	<u>Ck#</u>
04/15/13	Roberts Communications	Satellite Uplink	3,600.00	18497
04/22/13	Roberts Communications	Satellite Uplink	3,600.00	18497
04/29/13	Roberts Communications	Satellite Uplink	2,400.00	18497
05/01/13	Roberts Communications	Satellite Uplink	1,200.00	18627
05/06/13	Roberts Communications	Satellite Uplink	3,600.00	18627
05/13/13	Roberts Communications	Satellite Uplink	3,600.00	18627
05/20/13	Roberts Communications	Satellite Uplink	3,600.00	18665
05/27/13	Roberts Communications	Satellite Uplink	3,600.00	18665
06/03/13	Roberts Communications	Satellite Uplink	3,600.00	18665
06/10/13	Roberts Communications	Satellite Uplink	3,600.00	18665
06/17/13	Roberts Communications	Satellite Uplink	3,600.00	18665
06/24/13	Roberts Communications	Satellite Uplink	3,600.00	18665
07/01/13	Roberts Communications	Satellite Uplink	3,600.00	18863
07/08/13	Roberts Communications	Satellite Uplink	3,600.00	18863
07/15/13	Roberts Communications	Satellite Uplink	3,600.00	18863
07/22/13	Roberts Communications	Satellite Uplink	3,600.00	18863
07/29/13	Roberts Communications	Satellite Uplink	2,400.00	18863
08/01/13	Roberts Communications	Satellite Uplink	1,200.00	18965
08/05/13	Roberts Communications	Satellite Uplink	3,600.00	18965
08/12/13	Roberts Communications	Satellite Uplink	3,600.00	18965
08/19/13	Roberts Communications	Satellite Uplink	3,600.00	18965
08/26/13	Roberts Communications	Satellite Uplink	3,600.00	18965
09/02/13	Roberts Communications	Satellite Uplink	3,600.00	19063
09/09/13	Roberts Communications	Satellite Uplink	3,600.00	19063
09/16/13	Roberts Communications	Satellite Uplink	3,600.00	19063
09/23/13	Roberts Communications	Satellite Uplink	3,600.00	19139
09/30/13	Roberts Communications	Satellite Uplink	1,200.00	19139
10/01/13	Roberts Communications	Satellite Uplink	2,400.00	19229
10/07/13	Roberts Communications	Satellite Uplink	3,600.00	19229
10/14/13	Roberts Communications	Satellite Uplink	3,600.00	19229
10/21/13	Roberts Communications	Satellite Uplink	3,600.00	19229
10/28/13	Roberts Communications	Satellite Uplink	3,600.00	19301
11/04/13	Roberts Communications	Satellite Uplink	3,600.00	19381
11/11/13	Roberts Communications	Satellite Uplink	3,600.00	19381
11/18/13	Roberts Communications	Satellite Uplink	3,600.00	19436
11/25/13	Roberts Communications	Satellite Uplink	2,400.00	19436

Total

117,600.00



Accounts Payable
Plainridge Race Course
301 Washington Street
Plainville, MA 02762

INVOICE
Transmission Fee
Plainridge Race Course
APRIL

Invoice Date: April 15, 2013
Invoice Number: T1304-1063-054
Terms: Due April 28, 2013
Account Number: PLA020

Date	Day	Event Code	Satellite	Contract Sign On	Contract Sign Off	Transmission Fee
15	Mon	520080	Galaxy 3C-14	12:00 PM	5:00 PM	\$1,200.00
16	Tue	519983	MPLS	3:00 PM	8:00 PM	\$1,200.00
17	Wed				DARK	
18	Thu	519984	MPLS	3:00 PM	8:00 PM	\$1,200.00
19	Fri				DARK	
20	Sat				DARK	
21	Sun				DARK	
						Subtotal: \$3,600.00
						Total Due: \$3,600.00

CODE	AMOUNT
40100	3,600.00

Interest calculated at a rate of 1.5% per month will be charged on late payments or a portion thereof.

Please enclose a copy of this invoice with your payment.

PLEASE REMIT TO:
Roberts Communications Network, LLC
4175 Cameron Street, Suite B-10
Las Vegas, NV 89103-3798

If there any questions, please call 702-227-7522 or fax 702-227-7585

6/16/13

4/19/13





Accounts Payable
Plainridge Race Course
301 Washington Street
Plainville, MA 02762

INVOICE
Transmission Fee
Plainridge Race Course
APRIL

Invoice Date: April 22, 2013
Invoice Number: T1304-1065-054
Terms: Due May 5, 2013
Account Number: PLA020

Date	Day	Event Code	Satellite	Contract Sign On	Contract Sign Off	Transmission Fee	
22	Mon	519985	MPLS	3:00 PM	8:00 PM	\$1,200.00	
23	Tue	519986	MPLS	3:00 PM	8:00 PM	\$1,200.00	
24	Wed	DARK					
25	Thu	519987	MPLS	3:00 PM	8:00 PM	\$1,200.00	
26	Fri	DARK					
27	Sat	DARK					
28	Sun	DARK					
						Subtotal: \$3,600.00	
						Total Due: \$3,600.00	

CODE	AMOUNT
40100	3,600.00

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Las Vegas, NV 89103-3798

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6/16/13

4/19/13



Accounts Payable
Plainridge Race Course
301 Washington Street
Plainville, MA 02762

INVOICE
Transmission Fee
Plainridge Race Course
APRIL

Invoice Date: April 29, 2013
Invoice Number: T1304-1066-054
Terms: Due May 10, 2013
Account Number: PLA020

Date	Day	Event Code	Satellite	Contract Sign On	Contract Sign Off	Transmission Fee
29	Mon	519988	MPLS	3:00 PM	8:00 PM	\$1,200.00
30	Tue	519989	MPLS	3:00 PM	8:00 PM	\$1,200.00
						Subtotal: \$2,400.00
						Total Due: \$2,400.00

CODE	AMOUNT
40100	2,400.00

Interest calculated at a rate of 1.5% per month will be charged on late payments or a portion thereof.

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Las Vegas, NV 89103-3798

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6/16/13

4/20/13



Accounts Payable
Plainridge Race Course
301 Washington Street
Plainville, MA 02762

INVOICE
Transmission Fee
Plainridge Race Course
MAY

Invoice Date: May 1, 2013
Invoice Number: T1305-0204-054
Terms: Due May 12, 2013
Account Number: PLA020

Date	Day	Event Code	Satellite	Contract Sign On	Contract Sign Off	Transmission Fee
1	Wed				DARK	
2	Thu	519990	MPLS	3:00 PM	8:00 PM	\$1,200.00
3	Fri				DARK	
4	Sat				DARK	
5	Sun				DARK	
						Subtotal: \$1,200.00
						Total Due: \$1,200.00

CODE	AMOUNT
40100	1,200.00

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PLEASE REMIT TO:

Roberts Communications Network, LLC
4175 Cameron Street, Suite B-10
Las Vegas, NV 89103-3798

If there any questions, please call 702-227-7522 or fax 702-227-7585

blaw

5/1/13



Accounts Payable
Plainridge Race Course
301 Washington Street
Plainville, MA 02762

INVOICE
Transmission Fee
Plainridge Race Course
MAY

Invoice Date: May 6, 2013
Invoice Number: T1305-0205-054
Terms: Due May 19, 2013
Account Number: PLA020

Date	Day	Event Code	Satellite	Contract Sign On	Contract Sign Off	Transmission Fee	
6	Mon	519991	MPLS	3:00 PM	8:00 PM	\$1,200.00	
7	Tue	519992	MPLS	3:00 PM	8:00 PM	\$1,200.00	
8	Wed	DARK					
9	Thu	519993	MPLS	3:00 PM	8:00 PM	\$1,200.00	
10	Fri	DARK					
11	Sat	DARK					
12	Sun	DARK					
						Subtotal: \$3,600.00	
						Total Due: \$3,600.00	

CODE	AMOUNT
40100	3,600.00

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PLEASE REMIT TO:

Roberts Communications Network, LLC
4175 Cameron Street, Suite B-10
Las Vegas, NV 89103-3798

If there any questions, please call 702-227-7522 or fax 702-227-7585

WLD

5/7/13



Accounts Payable
 Plainridge Race Course
 301 Washington Street
 Plainville, MA 02762

INVOICE
Transmission Fee
Plainridge Race Course
MAY

Invoice Date: May 13, 2013
Invoice Number: T1305-0206-054
Terms: Due May 26, 2013
Account Number: PLA020

Date	Day	Event Code	Satellite	Contract Sign On	Contract Sign Off	Transmission Fee	
13	Mon	519994	MPLS	3:00 PM	8:00 PM	\$1,200.00	
14	Tue	519995	MPLS	3:00 PM	8:00 PM	\$1,200.00	
15	Wed	DARK					
16	Thu	519996	MPLS	3:00 PM	8:00 PM	\$1,200.00	
17	Fri	DARK					
18	Sat	DARK					
19	Sun	DARK					
						Subtotal: \$3,600.00	
						Total Due: \$3,600.00	

CODE	AMOUNT
40100	3,600.00

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 Las Vegas, NV 89103-3798

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5/17/13

WLD



Accounts Payable
Plainridge Race Course
301 Washington Street
Plainville, MA 02762

INVOICE
Transmission Fee
Plainridge Race Course
MAY

Invoice Date: May 20, 2013
Invoice Number: T1305-0207-054
Terms: Due June 2, 2013
Account Number: PLA020

Date	Day	Event Code	Satellite	Contract Sign On	Contract Sign Off	Transmission Fee	
20	Mon	519997	MPLS	3:00 PM	8:00 PM	\$1,200.00	
21	Tue	519998	MPLS	3:00 PM	8:00 PM	\$1,200.00	
22	Wed	DARK					
23	Thu	519999	MPLS	3:00 PM	8:00 PM	\$1,200.00	
24	Fri	DARK					
25	Sat	DARK					
26	Sun	DARK					
						Subtotal: \$3,600.00	
						Total Due: \$3,600.00	

CODE	AMOUNT
40100	3,600.00

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Las Vegas, NV 89103-3798

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6/1/13

5/17/13



Accounts Payable
Plainridge Race Course
301 Washington Street
Plainville, MA 02762

INVOICE
Transmission Fee
Plainridge Race Course
MAY

Invoice Date: May 27, 2013
Invoice Number: T1305-0208-054
Terms: Due June 9, 2013
Account Number: PLA020

Date	Day	Event Code	Satellite	Contract Sign On	Contract Sign Off	Transmission Fee	
27	Mon	520000	MPLS	3:00 PM	8:00 PM	\$1,200.00	
28	Tue	520001	MPLS	3:00 PM	8:00 PM	\$1,200.00	
29	Wed	DARK					
30	Thu	520002	MPLS	3:00 PM	8:00 PM	\$1,200.00	
31	Fri	DARK					
						Subtotal: \$3,600.00	
						Total Due: \$3,600.00	

CODE	AMOUNT
40100	3,600.00

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Las Vegas, NV 89103-3798

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(Handwritten initials)

5/27/13



Accounts Payable
Plainridge Race Course
301 Washington Street
Plainville, MA 02762

INVOICE
Transmission Fee
Plainridge Race Course
JUNE

Invoice Date: June 3, 2013
Invoice Number: T1306-0309-054
Terms: Due June 19, 2013
Account Number: PLA020

Date	Day	Event Code	Satellite	Contract Sign On	Contract Sign Off	Transmission Fee	
3	Mon	520003	MPLS	3:00 PM	8:00 PM	\$1,200.00	
4	Tue	520004	MPLS	3:00 PM	8:00 PM	\$1,200.00	
5	Wed	DARK					
6	Thu	520005	MPLS	3:00 PM	8:00 PM	\$1,200.00	
7	Fri	DARK					
8	Sat	DARK					
9	Sun	DARK					
						Subtotal: \$3,600.00	
						Total Due: \$3,600.00	

CODE	AMOUNT
40100	3,600.00

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Roberts Communications Network, LLC
4175 Cameron Street, Suite B-10
Las Vegas, NV 89103-3798

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6/16/13

6/13/13



Accounts Payable
Plainridge Race Course
301 Washington Street
Plainville, MA 02762

INVOICE
Transmission Fee
Plainridge Race Course
JUNE

Invoice Date: June 10, 2013
Invoice Number: T1306-0310-054
Terms: Due June 26, 2013
Account Number: PLA020

Date	Day	Event Code	Satellite	Contract Sign On	Contract Sign Off	Transmission Fee
10	Mon	520006	MPLS	3:00 PM	8:00 PM	\$1,200.00
11	Tue	520007	MPLS	3:00 PM	8:00 PM	\$1,200.00
12	Wed			DARK		
13	Thu	520008	MPLS	3:00 PM	8:00 PM	\$1,200.00
14	Fri			DARK		
15	Sat			DARK		
16	Sun			DARK		
						Subtotal: \$3,600.00
						Total Due: \$3,600.00

CODE	AMOUNT
40100	3,600.00

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PLEASE REMIT TO:

Roberts Communications Network, LLC
4175 Cameron Street, Suite B-10
Las Vegas, NV 89103-3798

If there any questions, please call 702-227-7522 or fax 702-227-7585

lala

6/13/13



Accounts Payable
Plainridge Race Course
301 Washington Street
Plainville, MA 02762

INVOICE
Transmission Fee
Plainridge Race Course
JUNE

Invoice Date: June 17, 2013
Invoice Number: T1306-0311-054
Terms: Due July 3, 2013
Account Number: PLA020

Date	Day	Event Code	Satellite	Contract Sign On	Contract Sign Off	Transmission Fee	
17	Mon	520009	MPLS	3:00 PM	8:00 PM	\$1,200.00	
18	Tue	520010	MPLS	3:00 PM	8:00 PM	\$1,200.00	
19	Wed	DARK					
20	Thu	520011	MPLS	3:00 PM	8:00 PM	\$1,200.00	
21	Fri	DARK					
22	Sat	DARK					
23	Sun	DARK					
						Subtotal: \$3,600.00	
						Total Due: \$3,600.00	

CODE	AMOUNT
40100	3,600.00

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PLEASE REMIT TO:

Roberts Communications Network, LLC
4175 Cameron Street, Suite B-10
Las Vegas, NV 89103-3798

If there any questions, please call 702-227-7522 or fax 702-227-7585

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6/13/13



Accounts Payable
Plainridge Race Course
301 Washington Street
Plainville, MA 02762

INVOICE
Transmission Fee
Plainridge Race Course
JUNE

Invoice Date: June 24, 2013
Invoice Number: T1306-0312-054
Terms: Due July 10, 2013
Account Number: PLA020

Date	Day	Event Code	Satellite	Contract Sign On	Contract Sign Off	Transmission Fee
24	Mon	520012	MPLS	3:00 PM	8:00 PM	\$1,200.00
25	Tue	520013	MPLS	3:00 PM	8:00 PM	\$1,200.00
26	Wed				DARK	
27	Thu	520014	MPLS	3:00 PM	8:00 PM	\$1,200.00
28	Fri				DARK	
29	Sat				DARK	
30	Sun				DARK	
						Subtotal: \$3,600.00
						Total Due: \$3,600.00

CODE	AMOUNT
40100	3,600.00

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PLEASE REMIT TO:

Roberts Communications Network, LLC
4175 Cameron Street, Suite B-10
Las Vegas, NV 89103-3798

If there any questions, please call 702-227-7522 or fax 702-227-7585

Calla

6/13/13



Accounts Payable
Plainridge Race Course
301 Washington Street
Plainville, MA 02762

INVOICE
Transmission Fee
Plainridge Race Course
JULY

Invoice Date: July 1, 2013
Invoice Number: T1307-0308-054
Terms: Due July 17, 2013
Account Number: PLA020

Date	Day	Event Code	Satellite	Contract Sign On	Contract Sign Off	Transmission Fee
1	Mon	520015	MPLS	3:00 PM	8:00 PM	\$1,200.00
2	Tue	520016	MPLS	3:00 PM	8:00 PM	\$1,200.00
3	Wed			DARK		
4	Thu	520017	MPLS	3:00 PM	8:00 PM	\$1,200.00
5	Fri			DARK		
6	Sat			DARK		
7	Sun			DARK		
						Subtotal: \$3,600.00
						Total Due: \$3,600.00

CODE	AMOUNT
40100	3,600.00

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PLEASE REMIT TO:
Roberts Communications Network, LLC
4175 Cameron Street, Suite B-10
Las Vegas, NV 89103-3798

If there any questions, please call 702-227-7522 or fax 702-227-7585

blw

7/2/13



Accounts Payable
Plainridge Race Course
301 Washington Street
Plainville, MA 02762

INVOICE
Transmission Fee
Plainridge Race Course
JULY

Invoice Date: July 8, 2013
Invoice Number: T1307-0309-054
Terms: Due July 24, 2013
Account Number: PLA020

Date	Day	Event Code	Satellite	Contract Sign On	Contract Sign Off	Transmission Fee
8	Mon	520018	MPLS	3:00 PM	8:00 PM	\$1,200.00
9	Tue	520019	MPLS	3:00 PM	8:00 PM	\$1,200.00
10	Wed				DARK	
11	Thu	520020	MPLS	3:00 PM	8:00 PM	\$1,200.00
12	Fri				DARK	
13	Sat				DARK	
14	Sun				DARK	
						Subtotal: \$3,600.00
						Total Due: \$3,600.00

CODE	AMOUNT
40100	3,600.00

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lala

7/2/13



Accounts Payable
Plainridge Race Course
301 Washington Street
Plainville, MA 02762

INVOICE
Transmission Fee
Plainridge Race Course
JULY

Invoice Date: July 15, 2013
Invoice Number: T1307-0310-054
Terms: Due July 31, 2013
Account Number: PLA020

Date	Day	Event Code	Satellite	Contract Sign On	Contract Sign Off	Transmission Fee
15	Mon	520021	MPLS	3:00 PM	8:00 PM	\$1,200.00
16	Tue	520022	MPLS	3:00 PM	8:00 PM	\$1,200.00
17	Wed				DARK	
18	Thu	520023	MPLS	3:00 PM	8:00 PM	\$1,200.00
19	Fri				DARK	
20	Sat				DARK	
21	Sun				DARK	
						Subtotal: \$3,600.00
						Total Due: \$3,600.00

CODE	AMOUNT
40100	3,600.00

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Las Vegas, NV 89103-3798

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blw

7/2/13



Accounts Payable
Plainridge Race Course
301 Washington Street
Plainville, MA 02762

INVOICE
Transmission Fee
Plainridge Race Course
JULY

Invoice Date: July 22, 2013
Invoice Number: T1307-0311-054
Terms: Due August 7, 2013
Account Number: PLA020

Date	Day	Event Code	Satellite	Contract Sign On	Contract Sign Off	Transmission Fee	
22	Mon	520024	MPLS	3:00 PM	8:00 PM	\$1,200.00	
23	Tue	520025	MPLS	3:00 PM	8:00 PM	\$1,200.00	
24	Wed	DARK					
25	Thu	520026	MPLS	3:00 PM	8:00 PM	\$1,200.00	
26	Fri	DARK					
27	Sat	DARK					
28	Sun	DARK					
						Subtotal: \$3,600.00	
						Total Due: \$3,600.00	

CODE	AMOUNT
40100	3,600.00

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lala

nk/m



Accounts Payable
Plainridge Race Course
301 Washington Street
Plainville, MA 02762

INVOICE
Transmission Fee
Plainridge Race Course
JULY

Invoice Date: July 29, 2013
Invoice Number: T1307-0312-054
Terms: Due August 10, 2013
Account Number: PLA020

Date	Day	Event Code	Satellite	Contract Sign On	Contract Sign Off	Transmission Fee	
29	Mon	520027	MPLS	3:00 PM	8:00 PM	\$1,200.00	
30	Tue	520028	MPLS	3:00 PM	8:00 PM	\$1,200.00	
31	Wed	DARK					
						Subtotal: \$2,400.00	
						Total Due: \$2,400.00	

CODE	AMOUNT
40100	2,400.00

Interest calculated at a rate of 1.5% per month will be charged on late payments or a portion thereof.

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PLEASE REMIT TO:

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4175 Cameron Street, Suite B-10
Las Vegas, NV 89103-3798

If there any questions, please call 702-227-7522 or fax 702-227-7585

6/26/13

7/21/13



Accounts Payable
Plainridge Race Course
301 Washington Street
Plainville, MA 02762

INVOICE
Transmission Fee
Plainridge Race Course
AUGUST

Invoice Date: August 1, 2013
Invoice Number: T1308-0911-054
Terms: Due August 13, 2013
Account Number: PLA020

Date	Day	Event Code	Satellite	Contract Sign On	Contract Sign Off	Transmission Fee
1	Thu				DARK	
2	Fri				DARK	
3	Sat	520029	MPLS	3:00 PM	8:00 PM	\$1,200.00
4	Sun				DARK	
						Subtotal: \$1,200.00
						Total Due: \$1,200.00

CODE	AMOUNT
40100	1,200.00

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PLEASE REMIT TO:
Roberts Communications Network, LLC
4175 Cameron Street, Suite B-10
Las Vegas, NV 89103-3798

If there any questions, please call 702-227-7522 or fax 702-227-7585

ldw

8/13



Accounts Payable
 Plainridge Race Course
 301 Washington Street
 Plainville, MA 02762

INVOICE
 Transmission Fee
 Plainridge Race Course
 AUGUST

Invoice Date: August 5, 2013
 Invoice Number: T1308-0912-054
 Terms: Due August 20, 2013
 Account Number: PLA020

Date	Day	Event Code	Satellite	Contract Sign On	Contract Sign Off	Transmission Fee
5	Mon	520030	MPLS	3:00 PM	8:00 PM	\$1,200.00
6	Tue	520031	MPLS	3:00 PM	8:00 PM	\$1,200.00
7	Wed				DARK	
8	Thu				DARK	
9	Fri				DARK	
10	Sat	520032	MPLS	3:00 PM	8:00 PM	\$1,200.00
11	Sun				DARK	
						Subtotal: \$3,600.00
						Total Due: \$3,600.00

CODE	AMOUNT
40100	3,600.00

Interest calculated at a rate of 1.5% per month will be charged on late payments or a portion thereof.

Please enclose a copy of this invoice with your payment.

PLEASE REMIT TO:
 Roberts Communications Network, LLC
 4175 Cameron Street, Suite B-10
 Las Vegas, NV 89103-3798

If there any questions, please call 702-227-7522 or fax 702-227-7585

8/6/13

lolw



Accounts Payable
Plainridge Race Course
301 Washington Street
Plainville, MA 02762

INVOICE
Transmission Fee
Plainridge Race Course
AUGUST

Invoice Date: August 12, 2013
Invoice Number: T1308-0913-054
Terms: Due August 27, 2013
Account Number: PLA020

Date	Day	Event Code	Satellite	Contract Sign On	Contract Sign Off	Transmission Fee
12	Mon	520033	MPLS	3:00 PM	8:00 PM	\$1,200.00
13	Tue	520034	MPLS	3:00 PM	8:00 PM	\$1,200.00
14	Wed				DARK	
15	Thu				DARK	
16	Fri				DARK	
17	Sat	520035	MPLS	3:00 PM	8:00 PM	\$1,200.00
18	Sun				DARK	
						Subtotal: \$3,600.00
						Total Due: \$3,600.00

CODE	AMOUNT
40100	3,600.00

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Las Vegas, NV 89103-3798

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8/10/13

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Accounts Payable
Plainridge Race Course
301 Washington Street
Plainville, MA 02762

INVOICE
Transmission Fee
Plainridge Race Course
AUGUST

Invoice Date: August 19, 2013
Invoice Number: T1308-0914-054
Terms: Due September 6, 2013
Account Number: PLA020

Date	Day	Event Code	Satellite	Contract Sign On	Contract Sign Off	Transmission Fee
19	Mon	520036	MPLS	3:00 PM	8:00 PM	\$1,200.00
20	Tue	520037	MPLS	3:00 PM	8:00 PM	\$1,200.00
21	Wed				DARK	
22	Thu				DARK	
23	Fri				DARK	
24	Sat	520038	MPLS	3:00 PM	8:00 PM	\$1,200.00
25	Sun				DARK	
						Subtotal: \$3,600.00
						Total Due: \$3,600.00

CODE	AMOUNT
40100	3,600.00

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Las Vegas, NV 89103-3798

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9/18/13

lol/aw



Accounts Payable
Plainridge Race Course
301 Washington Street
Plainville, MA 02762

INVOICE
Transmission Fee
Plainridge Race Course
AUGUST

Invoice Date: August 26, 2013
Invoice Number: T1308-0915-054
Terms: Due September 10, 2013
Account Number: PLA020

Date	Day	Event Code	Satellite	Contract Sign On	Contract Sign Off	Transmission Fee
26	Mon	520039	MPLS	3:00 PM	8:00 PM	\$1,200.00
27	Tue	520040	MPLS	3:00 PM	8:00 PM	\$1,200.00
28	Wed				DARK	
29	Thu				DARK	
30	Fri				DARK	
31	Sat	520041	MPLS	3:00 PM	8:00 PM	\$1,200.00
						Subtotal: \$3,600.00
						Total Due: \$3,600.00

CODE	AMOUNT
40100	3,600.00

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Las Vegas, NV 89103-3798

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8/28/13

6/16/13



Accounts Payable
Plainridge Race Course
301 Washington Street
Plainville, MA 02762

INVOICE
Transmission Fee
Plainridge Race Course
SEPTEMBER

Invoice Date: September 2, 2013
Invoice Number: T1309-0401-054
Terms: Due September 15, 2013
Account Number: PLA020

Date	Day	Event Code	Satellite	Contract Sign On	Contract Sign Off	Transmission Fee
						\$1,200.00
2	Mon	520042	MPLS	12:00 PM	5:00 PM	\$1,200.00
3	Tue	520043	MPLS	12:00 PM	5:00 PM	
4	Wed				DARK	
5	Thu	520044	MPLS	12:00 PM	5:00 PM	\$1,200.00
6	Fri				DARK	
7	Sat				DARK	
8	Sun				DARK	
						Subtotal: \$3,600.00
						Total Due: \$3,600.00

CODE	AMOUNT
40100	3,600.00

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9/4/13

lollaw



Accounts Payable
Plainridge Race Course
301 Washington Street
Plainville, MA 02762

INVOICE
Transmission Fee
Plainridge Race Course
SEPTEMBER

Invoice Date: September 9, 2013
Invoice Number: T1309-0402-054
Terms: Due September 22, 2013
Account Number: PLA020

Date	Day	Event Code	Satellite	Contract Sign On	Contract Sign Off	Transmission Fee
9	Mon	520045	MPLS	12:00 PM	5:00 PM	\$1,200.00
10	Tue	520046	MPLS	12:00 PM	5:00 PM	\$1,200.00
11	Wed				DARK	
12	Thu	520047	MPLS	12:00 PM	5:00 PM	\$1,200.00
13	Fri				DARK	
14	Sat				DARK	
15	Sun				DARK	
						Subtotal: \$3,600.00
						Total Due: \$3,600.00

CODE	AMOUNT
40100	3,600.00

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4175 Cameron Street, Suite B-10
Las Vegas, NV 89103-3798

If there any questions, please call 702-227-7522 or fax 702-227-7585

9/14/13

6664



Accounts Payable
Plainridge Race Course
301 Washington Street
Plainville, MA 02762

INVOICE
Transmission Fee
Plainridge Race Course
SEPTEMBER

Invoice Date: September 16, 2013
Invoice Number: T1309-0403-054
Terms: Due September 29, 2013
Account Number: PLA020

Date	Day	Event Code	Satellite	Contract Sign On	Contract Sign Off	Transmission Fee
16	Mon	520048	MPLS	12:00 PM	5:00 PM	\$1,200.00
17	Tue	520049	MPLS	12:00 PM	5:00 PM	\$1,200.00
18	Wed				DARK	
19	Thu	520050	MPLS	12:00 PM	5:00 PM	\$1,200.00
20	Fri				DARK	
21	Sat				DARK	
22	Sun				DARK	
						Subtotal: \$3,600.00
						Total Due: \$3,600.00

CODE	AMOUNT
40100	3,600.00

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4175 Cameron Street, Suite B-10
Las Vegas, NV 89103-3798

If there any questions, please call 702-227-7522 or fax 702-227-7585

Label

9/14/13



Accounts Payable
Plainridge Race Course
301 Washington Street
Plainville, MA 02762

INVOICE
Transmission Fee
Plainridge Race Course
SEPTEMBER

Invoice Date: September 23, 2013
Invoice Number: T1309-0404-054
Terms: Due October 6, 2013
Account Number: PLA020

Date	Day	Event Code	Satellite	Contract Sign On	Contract Sign Off	Transmission Fee
23	Mon	520051	MPLS	12:00 PM	5:00 PM	\$1,200.00
24	Tue	520052	MPLS	12:00 PM	5:00 PM	\$1,200.00
25	Wed				DARK	
26	Thu	520053	MPLS	12:00 PM	5:00 PM	\$1,200.00
27	Fri				DARK	
28	Sat				DARK	
29	Sun				DARK	
						Subtotal: \$3,600.00
						Total Due: \$3,600.00

CODE	AMOUNT
40100	3,600.00

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Roberts Communications Network, LLC
4175 Cameron Street, Suite B-10
Las Vegas, NV 89103-3798

9/24/13

If there any questions, please call 702-227-7522 or fax 702-227-7585

6/16/13



Accounts Payable
Plainridge Race Course
301 Washington Street
Plainville, MA 02762

INVOICE
Transmission Fee
Plainridge Race Course
SEPTEMBER

Invoice Date: September 30, 2013
Invoice Number: T1309-0405-054
Terms: Due October 10, 2013
Account Number: PLA020

Date	Day	Event Code	Satellite	Contract Sign On	Contract Sign Off	Transmission Fee
30	Mon	520054	MPLS	12:00 PM	5:00 PM	\$1,200.00
						Subtotal: \$1,200.00
						Total Due: \$1,200.00

CODE	AMOUNT
40100	1,200.00

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Las Vegas, NV 89103-3798

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9/14/13

6/16/13



Accounts Payable
Plainridge Race Course
301 Washington Street
Plainville, MA 02762

INVOICE
Transmission Fee
Plainridge Race Course
OCTOBER

Invoice Date: October 1, 2013
Invoice Number: T1310-0717-054
Terms: Due October 13, 2013
Account Number: PLA020

Date	Day	Event Code	Satellite	Contract Sign On	Contract Sign Off	Transmission Fee
1	Tue	520055	MPLS	12:00 PM	5:00 PM	\$1,200.00
2	Wed			DARK		
3	Thu	520056	MPLS	12:00 PM	5:00 PM	\$1,200.00
4	Fri			DARK		
5	Sat			DARK		
6	Sun			DARK		
						Subtotal: \$2,400.00
						Total Due: \$2,400.00

CODE	AMOUNT
40100	2,400.00

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Roberts Communications Network, LLC
4175 Cameron Street, Suite B-10
Las Vegas, NV 89103-3798

If there any questions, please call 702-227-7522 or fax 702-227-7585

6160
10/9/13



Accounts Payable
Plainridge Race Course
301 Washington Street
Plainville, MA 02762

INVOICE
Transmission Fee
Plainridge Race Course
OCTOBER

Invoice Date: October 7, 2013
Invoice Number: T1310-0905-054
Terms: Due October 20, 2013
Account Number: PLA020

Date	Day	Event Code	Satellite	Contract Sign On	Contract Sign Off	Transmission Fee
7	Mon	520057	MPLS	12:00 PM	5:00 PM	\$1,200.00
8	Tue	520058	MPLS	12:00 PM	5:00 PM	\$1,200.00
9	Wed				DARK	
10	Thu	520059	MPLS	12:00 PM	5:00 PM	\$1,200.00
11	Fri				DARK	
12	Sat				DARK	
13	Sun				DARK	
						Subtotal: \$3,600.00
						Total Due: \$3,600.00

CODE	AMOUNT
40100	3,600.00

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Las Vegas, NV 89103-3798

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6/16/13
10/6/13



Accounts Payable
Plainridge Race Course
301 Washington Street
Plainville, MA 02762

INVOICE
Transmission Fee
Plainridge Race Course
OCTOBER

Invoice Date: October 14, 2013
Invoice Number: T1310-0906-054
Terms: Due October 27, 2013
Account Number: PLA020

Date	Day	Event Code	Satellite	Contract Sign On	Contract Sign Off	Transmission Fee	
14	Mon	520060	MPLS	12:00 PM	5:00 PM	\$1,200.00	
15	Tue	520061	MPLS	12:00 PM	5:00 PM	\$1,200.00	
16	Wed	DARK					
17	Thu	520062	MPLS	12:00 PM	5:00 PM	\$1,200.00	
18	Fri	DARK					
19	Sat	DARK					
20	Sun	DARK					
						Subtotal: \$3,600.00	
						Total Due: \$3,600.00	

CODE	AMOUNT
40100	3,600.00

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Las Vegas, NV 89103-3798

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6160
10/13



Accounts Payable
Plainridge Race Course
301 Washington Street
Plainville, MA 02762

INVOICE
Transmission Fee
Plainridge Race Course
OCTOBER

Invoice Date: October 21, 2013
Invoice Number: T1310-0907-054
Terms: Due November 3, 2013
Account Number: PLA020

Date	Day	Event Code	Satellite	Contract Sign On	Contract Sign Off	Transmission Fee
21	Mon	520063	MPLS	12:00 PM	5:00 PM	\$1,200.00
22	Tue	520064	MPLS	12:00 PM	5:00 PM	\$1,200.00
23	Wed			DARK		
24	Thu	520065	MPLS	12:00 PM	5:00 PM	\$1,200.00
25	Fri			DARK		
26	Sat			DARK		
27	Sun			DARK		
						Subtotal: \$3,600.00
						Total Due: \$3,600.00

CODE	AMOUNT
40100	3,600.00

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Las Vegas, NV 89103-3798

If there any questions, please call 702-227-7522 or fax 702-227-7585

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10/21/13



Accounts Payable
Plainridge Race Course
301 Washington Street
Plainville, MA 02762

INVOICE
Transmission Fee
Plainridge Race Course
OCTOBER

Invoice Date: October 28, 2013
Invoice Number: T1310-0908-054
Terms: Due November 10, 2013
Account Number: PLA020

Date	Day	Event Code	Satellite	Contract Sign On	Contract Sign Off	Transmission Fee	
28	Mon	520066	MPLS	12:00 PM	5:00 PM	\$1,200.00	
29	Tue	520067	MPLS	12:00 PM	5:00 PM	\$1,200.00	
30	Wed	DARK					
31	Thu	520068	MPLS	12:00 PM	5:00 PM	\$1,200.00	
						Subtotal: \$3,600.00	
						Total Due: \$3,600.00	

CODE	AMOUNT
407-00	3,600.00

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Las Vegas, NV 89103-3798

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6/16/13

10/16/13



Accounts Payable
Plainridge Race Course
301 Washington Street
Plainville, MA 02762

INVOICE
Transmission Fee
Plainridge Race Course
NOVEMBER

Invoice Date: November 4, 2013
Invoice Number: T1311-0427-054
Terms: Due November 17, 2013
Account Number: PLA020

Date	Day	Event Code	Satellite	Contract Sign On	Contract Sign Off	Transmission Fee
4	Mon	520069	MPLS	12:00 PM	5:00 PM	\$1,200.00
5	Tue	520070	MPLS	12:00 PM	5:00 PM	\$1,200.00
6	Wed			DARK		
7	Thu	520071	MPLS	12:00 PM	5:00 PM	\$1,200.00
8	Fri			DARK		
9	Sat			DARK		
10	Sun			DARK		
						Subtotal: \$3,600.00
						Total Due: \$3,600.00

CODE	AMOUNT
40100	3,600.00

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6027

11/13/13



Accounts Payable
Plainridge Race Course
301 Washington Street
Plainville, MA 02762

INVOICE
Transmission Fee
Plainridge Race Course
NOVEMBER

Invoice Date: November 11, 2013
Invoice Number: T1311-0428-054
Terms: Due November 24, 2013
Account Number: PLA020

Date	Day	Event Code	Satellite	Contract Sign On	Contract Sign Off	Transmission Fee
11	Mon	520072	MPLS	12:00 PM	5:00 PM	
12	Tue	520073	MPLS	12:00 PM	5:00 PM	\$1,200.00
13	Wed					\$1,200.00
14	Thu	520074	MPLS	12:00 PM	5:00 PM	
15	Fri					\$1,200.00
16	Sat					
17	Sun					
						Subtotal: \$3,600.00
						Total Due: \$3,600.00

CODE	AMOUNT
40100	3,600.00

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627

11/13/13



Accounts Payable
Plainridge Race Course
301 Washington Street
Plainville, MA 02762

INVOICE
Transmission Fee
Plainridge Race Course
NOVEMBER

Invoice Date: November 18, 2013
Invoice Number: T1311-0429-054
Terms: Due December 1, 2013
Account Number: PLA020

Date	Day	Event Code	Satellite	Contract Sign On	Contract Sign Off	Transmission Fee
18	Mon	520075	MPLS	12:00 PM	5:00 PM	\$1,200.00
19	Tue	520076	MPLS	12:00 PM	5:00 PM	\$1,200.00
20	Wed				DARK	
21	Thu	520077	MPLS	12:00 PM	5:00 PM	\$1,200.00
22	Fri				DARK	
23	Sat				DARK	
24	Sun				DARK	
						Subtotal: \$3,600.00
						Total Due: \$3,600.00

CODE	AMOUNT
40100	3,600.00

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lola

12/13/13



Accounts Payable
Plainridge Race Course
301 Washington Street
Plainville, MA 02762

INVOICE
Transmission Fee
Plainridge Race Course
NOVEMBER

Invoice Date: November 25, 2013
Invoice Number: T1311-0430-054
Terms: Due December 10, 2013
Account Number: PLA020

Date	Day	Event Code	Satellite	Contract Sign On	Contract Sign Off	Transmission Fee
25	Mon				DARK	
26	Tue				DARK	
27	Wed				DARK	
28	Thu				DARK	
29	Fri	520078	MPLS	12:00 PM	5:00 PM	\$1,200.00
30	Sat	520079	MPLS	12:00 PM	5:00 PM	\$1,200.00
						Subtotal: \$2,400.00
						Total Due: \$2,400.00

CODE	AMOUNT
40100	2,400.00

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Las Vegas, NV 89103-3798

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12/13/13

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NO DOCUMENTS



**PENN NATIONAL
GAMING, INC.**



Plainridge Park Casino Project

Schedule Presentation

July 10, 2014



PENN NATIONAL
GAMING, INC.



Plainridge Park Casino Project Schedule

- Baseline Schedule Complete
- Critical Path established
- Key Milestone Activities
 - Building Enclosed
 - Long Lead Time Items
 - Interior Fit-Out and Finishes
 - Flooring Installed
 - Surveillance & Security Systems
 - Install and Test Slot Machines
 - Traffic Improvements Completed



PENN NATIONAL
GAMING, INC.



Plainridge Park Casino Project

- Casino Opening – End of June 2015
- Current Activities
 - Foundation poured for Casino Building
 - Structural Steel in the Air
 - Procuring long lead time items i.e. elevators, lighting, specialty equipment



**PENN NATIONAL
GAMING, INC.**



Plainridge Park Casino Project





PENN NATIONAL
GAMING, INC.



Plainridge Park Casino Project

- Needed from the Commission and others
 - Floor Plan Approval
 - Slot Machine Approvals
 - MassDOT Permits for Roadway Improvements
 - Surveillance Systems
 - Internal Controls



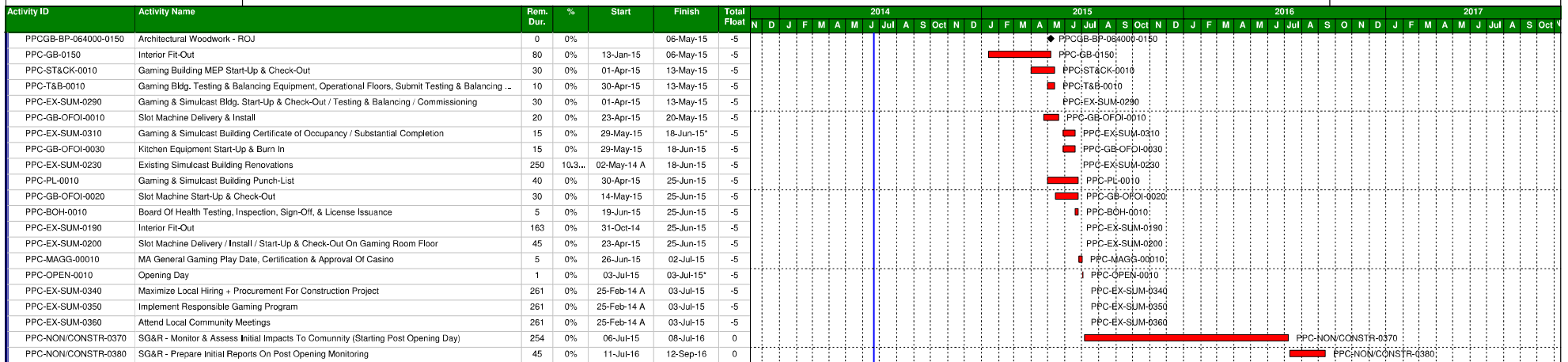
**PLAINRIDGE PARK CASINO NON-CONSTRUCTION ACTIVITY PROJECT SCHEDULE
EXTERNAL INTERFACES**

Activity ID	Activity Name	Rem. Dur.	%	Start	Finish	Total Float
Plainridge Park Casino Project Schedule - DD-05.16.14		584		03-Mar-14 A	12-Sep-16	0
Non-Construction Activity Schedule (Activities)		584		03-Mar-14 A	12-Sep-16	0
SG&R Procurement		395		03-Mar-14 A	10-Dec-15	189
PPC-NON/CONSTR-0020	SG&R - Provide Plans For Contracting With Local Business Owners (Statute Check-List # 8)	11	0%	03-Mar-14 A	02-Jun-14	573
PPC-NON/CONSTR-0310	SG&R - Slot Machine Procurement & Manufacturing	102	0%	01-Oct-14*	27-Feb-15	0
PPC-NON/CONSTR-0410	SG&R - Slot Machine Delivery & Installation	41	0%	01-Apr-15*	29-May-15	0
PPC-NON/CONSTR-0040	SG&R - Design & Construct To LEED Gold Certification	0	0%		03-Jul-15	189
PPC-NON/CONSTR-0050	SG&R - Apply To USGBC For LEED Gold Certification	30	0%	06-Jul-15	14-Aug-15	189
PPC-NON/CONSTR-0030	SG&R - Provide LEED Certification To MGC (Statute Check-List # 12)	80	0%	17-Aug-15	10-Dec-15	189
Hosting & Surroundings Communities		584		03-Mar-14 A	12-Sep-16	0
PPC-NON/CONSTR-0080	SG&R - Identify Infrastructure Costs + Commit To Mitigation Plan (Statute C.L. # 23)	83	0%	03-Mar-14 A	12-Sep-14	196
PPC-NON/CONSTR-0090	SG&R - Implement Measures To Address Problem Gaming (Statute C.L. # 23)	251	0%	03-Mar-14 A	15-May-15	333
PPC-NON/CONSTR-0100	SG&R - Conduct Baseline Studies (License # 9 Other)	63	0%	02-Mar-15*	29-May-15	0
PPC-NON/CONSTR-0110	SG&R - Traffic Related Baseline Studies (RFA # 2)	63	0%	02-Mar-15	29-May-15	324
PPC-NON/CONSTR-0120	SG&R - Conduct Jobfairs (SCA Foxboro, Mansfield, North Attleboro, Wrentham)	409	0%	03-Mar-14 A	31-Dec-15	175
PPC-NON/CONSTR-0370	SG&R - Monitor & Assess Initial Impacts To Community (Starting Post Opening Day)	254	0%	06-Jul-15	08-Jul-16	0
PPC-NON/CONSTR-0380	SG&R - Prepare Initial Reports On Post Opening Monitoring	45	0%	11-Jul-16	12-Sep-16	0
Regulatory Approvals		260		03-Mar-14 A	29-May-15	324
PPC-NON/CONSTR-0350	MGC - Approve Mass. Community College Training Plans (License # 12)	0	0%		15-Jul-14*	0
PPC-NON/CONSTR-0150	MGC - Finalize & Approve Gaming Office Requirements (RFA # 2)	51	0%	19-Jun-14*	29-Aug-14	0
PPC-NON/CONSTR-0260	SG&R - Submit Exterior Design Plans For MGC Approval (FDC # 9)	34	0%	15-Jul-14*	29-Aug-14	0
PPC-NON/CONSTR-0270	SG&R - Submit Floor Plan For MGC Approval (FDC # 9)	34	0%	15-Jul-14*	29-Aug-14	0
PPC-NON/CONSTR-0400	SG&R - Submit Required Approvals List & MGC Approval (Summary Item # 25)	33	0%	16-Jul-14*	29-Aug-14	0
PPC-NON/CONSTR-0170	MGC - Develop & Issue Surveillance System Specifications	88	0%	03-Mar-14 A	19-Sep-14	458
PPC-NON/CONSTR-0240	MGC - Issue Free Play Standards (License # 26)	65	0%	19-Jun-14*	19-Sep-14	0
PPC-NON/CONSTR-0290	MGC - Issue State Slot Monitoring System Requirements	65	0%	19-Jun-14*	19-Sep-14	0
PPC-NON/CONSTR-0010	MGC - Provide Regulation / Full Descriptions Of Internal Controls (Statute Check-List # 4)	95	0%	03-Mar-14 A	30-Sep-14	406
PPC-NON/CONSTR-0280	MGC - Approve Slot Machine Requirements	64	0%	01-Jul-14*	30-Sep-14	0
PPC-NON/CONSTR-0320	MGC - License Slot Machine Vendors	64	0%	01-Jul-14*	30-Sep-14	0
PPC-NON/CONSTR-0200	SG&R - Submit Slot Monitoring System For MGC Approval	20	0%	19-Sep-14*	17-Oct-14	0
PPC-NON/CONSTR-0180	SG&R - Submit Surveillance System Plan For MGC Approval (RFA C.L. # 5 & 6)	38	0%	22-Sep-14	14-Nov-14	458
PPC-NON/CONSTR-0060	SG&R - File & Submit Internal Controls To MGC	51	0%	01-Oct-14	15-Dec-14	406
PPC-NON/CONSTR-0160	MGC - Approve Internal Controls	32	0%	16-Dec-14	30-Jan-15	406
PPC-NON/CONSTR-0220	SG&R - Submit Slot Machine Testing Program For MGC Approval	22	0%	15-Jan-15*	13-Feb-15	0
PPC-NON/CONSTR-0390	SG&R - Submit "12.15.14" Bank Secrecy Act Plan To MGC For Approval "02.27.15"	52	0%	15-Dec-14*	27-Feb-15	0
PPC-NON/CONSTR-0140	MGC - Develop & Provide On Site Requirements For Inspection For Pre-Opening Activities (RF...	22	0%	02-Mar-15*	31-Mar-15	0
PPC-NON/CONSTR-0070	SG&R - Submit Responsible Gaming Plan & MGC Approval (FDC # 20)	251	0%	03-Mar-14 A	15-May-15	333
PPC-NON/CONSTR-0130	MGC - Develop & Provide Process & Road Map Requirements For On-Site Operating License I...	260	6.81%	03-Mar-14 A	29-May-15	324
PPC-NON/CONSTR-0190	MGC - On-Site Review & Approval Process Of Surveillance System	54	0%	13-Mar-15*	29-May-15	0
PPC-NON/CONSTR-0230	MGC - Test & Approve Slot Monitoring System	41	0%	01-Apr-15*	29-May-15	0
Other Requirements		130		17-Oct-14	27-Apr-15	0
PPC-NON/CONSTR-0330	SG&R - Execute Amended Lottery Agreement (License # 10)	0	0%		17-Oct-14*	0
PPC-NON/CONSTR-0340	SG&R - Submit Plan Regarding Mass. Office Of Travel & Tourism (License #23)	0	0%		13-Feb-15*	0
PPC-NON/CONSTR-0360	SG&R - Apply For Or Amend Existing & Obtain Alcoholic Beverage License	70	0%	16-Jan-15*	27-Apr-15	0

Layout Name: BBU-Temp. Proj. CP (LP)
Schedule

Plainridge Park Casino Project Critical Path (LP) Schedule

Date-Time: 23-Jun-14 11:39
Page #: 2 Of 2



█ Actual Work █ Critical Remaining Work Summary
█ Remaining Work ◆ Milestone



Date	Revision	Checked	Approved

Plainridge Park Casino Non-Construction Activity Project Schedule

Activity ID	Activity Name	Rem. Dur.	%	Start	Finish	Total Float	13	2014					2015					2016					2017														
							Jul	A	S	O	N	D	J	F	M	A	M	J	Jul	A	S	O	N	D	J	F	M	A	M	J	Jul	A	S	O			
Plainridge Park Casino Project Schedule - DD-05.16.14								Plainridge Park Casino Project Schedule - DD-05.16.14																													
Non-Construction Activity Schedule (Activities)								Non-Construction Activity Schedule (Activities)																													
SG&R Procurement								SG&R Procurement																													
PPC-NON/CONSTR-0020	SG&R - Provide Plans For Contracting With Local Business Owners (Statute Check-List # 8)	11	0%	03-Mar-14 A	02-Jun-14	573																															
PPC-NON/CONSTR-0310	SG&R - Slot Machine Procurement & Manufacturing	102	0%	01-Oct-14*	27-Feb-15	0																															
PPC-NON/CONSTR-0410	SG&R - Slot Machine Delivery & Installation	41	0%	01-Apr-15*	29-May-15	0																															
PPC-NON/CONSTR-0040	SG&R - Design & Construct To LEED Gold Certification	0	0%		03-Jul-15	189																															
PPC-NON/CONSTR-0050	SG&R - Apply To USGBC For LEED Gold Certification	30	0%	06-Jul-15	14-Aug-15	189																															
PPC-NON/CONSTR-0030	SG&R - Provide LEED Certification To MGC (Statute Check-List # 12)	80	0%	17-Aug-15	10-Dec-15	189																															
Hosting & Surroundings Communities								Hosting & Surroundings Communities																													
PPC-NON/CONSTR-0080	SG&R - Identify Infrastructure Costs + Commit To Mitigation Plan (Statute C.L. # 23)	83	0%	03-Mar-14 A	12-Sep-14	196																															
PPC-NON/CONSTR-0090	SG&R - Implement Measures To Address Problem Gaming (Statute C.L. # 23)	251	0%	03-Mar-14 A	15-May-15	333																															
PPC-NON/CONSTR-0100	SG&R - Conduct Baseline Studies (License # 9 Other)	63	0%	02-Mar-15*	29-May-15	0																															
PPC-NON/CONSTR-0110	SG&R - Traffic Related Baseline Studies (RFA # 2)	63	0%	02-Mar-15	29-May-15	324																															
PPC-NON/CONSTR-0120	SG&R - Conduct Jobfairs (SCA Foxboro, Mansfield, North Attleboro, Wrentham)	409	0%	03-Mar-14 A	31-Dec-15	175																															
PPC-NON/CONSTR-0370	SG&R - Monitor & Assess Initial Impacts To Comunnity (Starting Post Opening Day)	254	0%	06-Jul-15	08-Jul-16	0																															
PPC-NON/CONSTR-0380	SG&R - Prepare Initial Reports On Post Opening Monitoring	45	0%	11-Jul-16	12-Sep-16	0																															
Regulatory Approvals								Regulatory Approvals																													
PPC-NON/CONSTR-0350	MGC - Approve Mass. Community College Training Plans (License # 12)	0	0%		15-Jul-14*	0																															
PPC-NON/CONSTR-0150	MGC - Finalize & Approve Gaming Office Requirements (RFA # 2)	51	0%	19-Jun-14*	29-Aug-14	0																															
PPC-NON/CONSTR-0260	SG&R - Submit Exterior Design Plans For MGC Approval (FDC # 9)	34	0%	15-Jul-14*	29-Aug-14	0																															
PPC-NON/CONSTR-0270	SG&R - Submit Floor Plan For MGC Approval (FDC # 9)	34	0%	15-Jul-14*	29-Aug-14	0																															
PPC-NON/CONSTR-0400	SG&R - Submit Required Approvals List & MGC Approval (Summary Item # 25)	33	0%	16-Jul-14*	29-Aug-14	0																															
PPC-NON/CONSTR-0170	MGC - Develop & Issue Surveillance System Specifications	88	0%	03-Mar-14 A	19-Sep-14	458																															
PPC-NON/CONSTR-0240	MGC - Issue Free Play Standards (License # 26)	65	0%	19-Jun-14*	19-Sep-14	0																															
PPC-NON/CONSTR-0290	MGC - Issue State Slot Monitoring System Requirements	65	0%	19-Jun-14*	19-Sep-14	0																															
PPC-NON/CONSTR-0010	MGC - Provide Regulation / Full Descriptions Of Internal Controls (Statute Check-List # 4)	95	0%	03-Mar-14 A	30-Sep-14	406																															
PPC-NON/CONSTR-0280	MGC - Approve Slot Machine Requirements	64	0%	01-Jul-14*	30-Sep-14	0																															
PPC-NON/CONSTR-0320	MGC - License Slot Machine Vendors	64	0%	01-Jul-14*	30-Sep-14	0																															
PPC-NON/CONSTR-0200	SG&R - Submit Slot Monitoring System For MGC Approval	20	0%	19-Sep-14*	17-Oct-14	0																															
PPC-NON/CONSTR-0180	SG&R - Submit Surveillance System Plan For MGC Approval (RFA C.L. # 5 & 6)	38	0%	22-Sep-14	14-Nov-14	458																															
PPC-NON/CONSTR-0060	SG&R - File & Submit Internal Controls To MGC	51	0%	01-Oct-14	15-Dec-14	406																															
PPC-NON/CONSTR-0160	MGC - Approve Internal Controls	32	0%	16-Dec-14	30-Jan-15	406																															
PPC-NON/CONSTR-0220	SG&R - Submit Slot Machine Testing Program For MGC Approval	22	0%	15-Jan-15*	13-Feb-15	0																															
PPC-NON/CONSTR-0390	SG&R - Submit "12.15.14" Bank Secrecy Act Plan To MGC For Approval "02.27.15"	52	0%	15-Dec-14*	27-Feb-15	0																															
PPC-NON/CONSTR-0140	MGC - Develop & Provide On Site Requirements For Inspection For Pre-Opening Activities (RF...)	22	0%	02-Mar-15*	31-Mar-15	0																															
PPC-NON/CONSTR-0070	SG&R - Submit Responsible Gaming Plan & MGC Approval (FDC # 20)	251	0%	03-Mar-14 A	15-May-15	333																															
PPC-NON/CONSTR-0130	MGC - Develop & Provide Process & Road Map Requirements For On-Site Operating License I...	260	6.81%	03-Mar-14 A	29-May-15	324																															
PPC-NON/CONSTR-0190	MGC - On-Site Review & Approval Process Of Surveillance System	54	0%	13-Mar-15*	29-May-15	0																															
PPC-NON/CONSTR-0230	MGC - Test & Approve Slot Monitoring System	41	0%	01-Apr-15*	29-May-15	0																															
Other Requirements								Other Requirements																													
PPC-NON/CONSTR-0330	SG&R - Execute Amended Lottery Agreement (License # 10)	0	0%		17-Oct-14*	0																															
PPC-NON/CONSTR-0340	SG&R - Submit Plan Regarding Mass. Office Of Travel & Tourism (License #23)	0	0%		13-Feb-15*	0																															
PPC-NON/CONSTR-0360	SG&R - Apply For Or Amend Existing & Obtain Alcoholic Beverage License	70	0%	16-Jan-15*	27-Apr-15	0																															

Actual Work Remaining Work Critical Remaining Work Milestone Summary



Date	Revision	Checked	Approved

NO DOCUMENTS



SLOT MACHINES AND GAMING POSITIONS

MASSACHUSETTS GAMING COMMISSION



JULY 10, 2014

1,250 CAP FOR SLOTS PARLOR

"Category 2 license", a license issued by the commission that permits the licensee to operate a gaming establishment with no table games and **not more than 1,250 slot machines**. G.L. c. 23K, § 2

DRAFT LANGUAGE FOR DISCUSSION

Current language: (3) For purposes of M.G.L. c.23K and 205 CMR each gaming position, as defined by M.G.L. c.23K, §2, at a slot machine shall be considered a separate slot machine.

Proposed language - For purposes of M.G.L. c.23K and 205 CMR a slot machine that has multiple gaming positions, as defined by M.G.L. c.23K, §2, shall be considered a single slot machine. Provided, however, a Category 2 licensee shall not have more than 1,500 gaming positions available for play at any one time.

205 CMR: MASSACHUSETTS GAMING COMMISSION
205 CMR 143.00: GAMING DEVICES AND ELECTRONIC GAMING EQUIPMENT

Section

- 143.01: Standards for Gaming Devices
- 143.02: Progressive Gaming Devices
- 143.03: On-Line Monitoring and Control Systems (MCS) and Validation System
- 143.04: Cashless Systems
- 143.05: Bonusing Systems
- 143.06: Promotional Systems
- 143.07: Kiosks
- 143.08: Client-Server Systems
- 143.09: Electronic Table Game Systems
- 143.10: Dealer Controlled Electronic Table Games [RESERVED]
- 143.11: Wireless Gaming Systems [RESERVED]
- 143.12: Network Security
- 143.13: Player User Interface Systems
- 143.14: Card Shufflers and Dealer Shoes [RESERVED]
- 143.15: Electronic Raffle Systems [RESERVED]
- 143.16: Communications Protocols

143.01: Standards for gaming devices

(1) A gaming licensee and gaming device vendor shall comply with and the commission adopts and incorporates by reference Gaming Laboratories International, LLC Standard GLI-11: Gaming Devices in Casinos, version 2.1, released Aug 25, 2011, subject to the following amendments:

- (a) Delete section 1.1.1.
- (b) Delete section 1.1.2.
- (c) Delete section 1.2.
- (d) Delete section 1.4.
- (e) Replace in section 3.4.1 “seventy-five percent (75%)” with “eighty percent (80%)”.
- (f) Add the following after the first paragraph of section 3.4.1: The calculation of minimum payout percentage excludes the cash equivalent value of any merchandise or other thing of value that cannot be converted into cash by the gaming establishment but may include the acquisition cost to the gaming licensee of the merchandise or other thing of value.

(g) Replace in section 3.4.1(b) “75%” with “80%”.

(h) Replace in section 3.10.1(f) “seventy-five percent (75%)” with “eighty percent (80%)”

(2) For purposes of M.G.L. c.23K and 205 CMR the term slot machine as defined by M.G.L. c.23K, §2 shall not include automatic amusement devices as defined by G.L. c 140, § 177A(2).

(3) For purposes of M.G.L. c.23K and 205 CMR each gaming position, as defined by M.G.L. c.23K, §2, at a slot machine shall be considered a separate slot machine.

(4) A gaming licensee shall provide the commission with a real-time stream of data, other than personally identifiable information, in the communication format specified by the commission in 205 CMR 143.16 directly from each slot machine. Such data shall be provided for purposes of computing and reconciling daily tax obligations as provided in 205 CMR 140.00, for purposes of investigating patron disputes filed in accordance with 205 CMR 134.19, and for purposes of maintaining general oversight of a gaming establishment. The commission is not obligated to monitor or review the data on an ongoing basis. If communications between the slot machine and the commission’s system fails, the slot machine shall continue to record all required data for the most recent seven days of operation and send the data directly to the commission as soon as the connection is reestablished. If the connection is not reestablished within 24 hours due to a problem stemming from the gaming establishment’s systems, then any slot machine affected shall cease operation until the connection is reestablished.

143.02: Progressive Gaming Devices

(1) A gaming licensee and gaming device vendor shall comply with and the commission adopts and incorporates by reference Gaming Laboratories International, LLC Standard GLI-12: Progressive Gaming Devices in Casinos, version 2.1, released Sept 6, 2011, subject to the following amendments:

(a) Delete section 1.1.

(b) Delete section 1.2.

(c) Delete section 1.3.2.

(d) Delete section 1.4.

143.03: On-Line Monitoring and Control Systems (MCS) and Validation System

(1) A gaming licensee and gaming device vendor shall comply with and the commission adopts and incorporates by reference Gaming Laboratories International, LLC Standard GLI-13: On-Line Monitoring and Control Systems (MCS) and Validation Systems in Casinos, version 2.1, released Sept 6, 2011, subject to the following amendments:

- (a) Delete section 1.1.
- (b) Delete section 1.3.
- (c) Delete section 1.5.

143.04: Cashless Systems

(1) A gaming licensee and gaming device vendor shall comply with and the commission adopts and incorporates by reference Gaming Laboratories International, LLC Standard GLI-16: Cashless Systems in Casinos, version 2.1, released Sept 6, 2011, subject to the following amendments:

- (a) Delete section 1.2.
- (b) Delete section 1.4.

(2) No slot machine at a gaming establishment shall accept debit cards or credit cards, or government-issued electronic benefits transfer cards as a form of payment.

143.05: Bonusing Systems

(1) A gaming licensee and gaming device vendor shall comply with and the commission adopts and incorporates by reference Gaming Laboratories International, LLC Standard GLI-17: Bonusing Systems in Casinos, version 1.3, released Sept 6, 2011, subject to the following amendments:

- (a) Delete section 1.2.
- (b) Delete section 1.4.

143.06: Promotional Systems

(1) A gaming licensee and gaming device vendor shall comply with and the commission adopts and incorporates by reference Gaming Laboratories International, LLC Standard GLI-18: Promotional Systems in Casinos, version 2.1, released Sept 6, 2011, subject to the following amendments:

- (a) Delete section 1.2.
- (b) Delete section 1.4.

143.07: Kiosks

(1) A gaming licensee and gaming device vendor shall comply with and the commission adopts and incorporates by reference Gaming Laboratories International, LLC Standard GLI-20: Kiosks, version 1.5, released Sept 6, 2011, subject to the following amendments:

(a) Delete section 1.1.3.

(b) Delete section 1.3.

143.08: Client-Server Systems

(1) A gaming licensee and gaming device vendor shall comply with and the commission adopts and incorporates by reference Gaming Laboratories International, LLC Standard GLI-21: Client-Server Systems, version 2.2, released Sept 6, 2011, subject to the following amendments:

(a) Delete section 1.1.

(b) Delete section 1.2.

(c) Delete section 1.4.

143.09: Electronic Table Game Systems

(1) A gaming licensee and gaming device vendor shall comply with and the commission adopts and incorporates by reference Gaming Laboratories International, LLC Standard GLI-24: Electronic Table Game Systems, version 1.3, released Sept 6, 2011, subject to the following amendments:

(a) Delete section 1.1.

(b) Delete section 1.3.

(2) An electronic table game shall be considered a slot machine in accordance with M.G.L. c. 23K, § 2 unless the simulation requires the intervention of a gaming employee prior to the final determination of winnings.

143.10: Dealer Controlled Electronic Table Games [RESERVED]

143.11: Wireless Gaming Systems [RESERVED]

143.12: Network Security

(1) A gaming licensee and gaming device vendor shall comply with and the commission adopts and incorporates by reference Gaming Laboratories International, LLC Standard GLI-27: Network Security Best Practices, version 1.1, released Jan 21, 2013, subject to the following amendments:

- (a) Delete section 1.1.
- (b) Delete section 1.2.

143.13: Player User Interface Systems

(1) A gaming licensee and gaming device vendor shall comply with and the commission adopts and incorporates by reference Gaming Laboratories International, LLC Standard GLI-28: Player User Interface Systems, version 1.0, released Feb 14, 2011, subject to the following amendments:

- (a) Delete section 1.1.

143.14: Card Shufflers and Dealer Shoes [RESERVED]

143.15: Electronic Raffle Systems [RESERVED]

143.16: Communications Protocols

(1) A gaming licensee shall not operate any slot machine in a gaming establishment after January 1, 2017 unless that slot machine is compatible with the Gaming Standards Association G2S protocol. Provided however, any slot machine that is registered and operating in a gaming establishment prior to January 1, 2017 is not required to comply with the G2S protocol. A gaming licensee shall not operate any slot machine in a gaming establishment unless the slot machine:

- (a) is able to bi-directionally communicate with the commission's central control system;
- (b) transmits, on a per bet basis, data relative to amounts wagered, amounts won, cash in, cash out, and similar financial information necessary for tax collection and auditing;
- (c) allows remote verification of gaming device software using a SHA-1 or similar hashing system;
- (d) allows remotely activating and disabling slot machines; and
- (e) transmits data relative to any restarts, shutdowns, resets, game changes, door open, and other maintenance events;

REGULATORY AUTHORITY

205 CMR 143: M.G.L. c. 23K, §§x

205 CMR: MASSACHUSETTS GAMING COMMISSION
205 CMR 144.00: APPROVAL OF SLOT MACHINES AND ELECTRONIC GAMING
EQUIPMENT AND TESTING LABORATORIES

Section

- 144.01: Required Permits and Registration
- 144.02: Permitting of Gaming Device Prototypes
- 144.03: Registration of Gaming Device Inventory
- 144.04: Required Testing by Independent Testing Laboratories
- 144.05: Fees for Testing, Permitting, and Registration of Gaming Devices
- 144.06: Independent Testing Laboratory Certification and Auditing

144.01: Required Permits and Registration

- (1) No new or modified gaming device listed in 205 CMR 144.01(2) shall be:
 - (a) sold by a gaming vendor unless a prototype of the gaming device has received a permit from the commission in accordance with 205 CMR 144.02;
 - (b) operated by a gaming licensee in a gaming establishment unless the gaming device is registered with the commission in accordance with 205 CMR 144.03.
- (2) The following gaming devices require permitting and registration by the commission:
 - (a) Slot machines;
 - (b) Electronic table games;
 - (c) Kiosks;
 - (d) Wireless wagering devices;
 - (e) Money counters;
 - (f) Chip sorters;
 - (g) Devices used in conjunction with table games such as gaming chips, dice, cards, Pai Gow tiles, card readers, dealer shoes, automated shuffling machines, dice shakers, and roulette wheels; and
 - (h) Tables for conducting table games such as roulette, blackjack, poker, craps, baccarat, big six, and Pai Gow.
 - (i) Slot machine games;

- (j) Multiplayer systems;
- (k) Server supported slot systems;
- (l) Slot machine bonus systems;
- (m) Table game bonus systems;
- (n) Progressive systems;
- (o) Account based wagering systems;
- (p) Slot monitoring systems and casino management systems;
- (q) Gaming voucher systems;
- (r) Devices used in conjunction with a slot monitoring system or casino management system, unless the devices provide read-only functionality;
- (s) Devices used in conjunction with gaming devices such as bill acceptors, printers, and coin acceptors that are not integrated into and tested as part of another gaming device;

144.02: Permitting of Gaming Device Prototypes

(1) In order to receive a permit for a gaming device, a gaming vendor, at its own expense, must submit the gaming device for scientific testing and technical evaluation in accordance with 205 CMR 144.04 by a commission certified independent testing laboratory certified pursuant to 205 CMR 144.06 to determine compliance with M.G.L. c. 23K and 205 CMR 143. The gaming vendor must provide the certified independent testing laboratory with all documentation and other materials necessary to conduct testing and evaluate compliance.

(2) Upon completion of testing by a certified independent testing laboratory, a gaming vendor may submit an application for permitting of the gaming device to the commission's gaming technology laboratory. The commission may reject any gaming device permit application that is deemed administratively incomplete. The application for a gaming device permit shall be in the form prescribed by the commission and contain:

- (a) the gaming vendor's name;
- (b) the gaming vendor's license number pursuant to 205 CMR 134;
- (c) a unique name and version number for the gaming device for which the registration is sought;
- (d) a copy of the commission certified independent testing laboratory report for the gaming device in accordance with 205 CMR 144.04;

(e) a list of all jurisdictions in which the gaming device has been granted or denied licensure, registration, or similar; and

(f) the application fee in accordance with 205 CMR 144.05.

(3) Upon receipt of the gaming device permit application, the commission's gaming technology lab may require that the gaming vendor provide to the commission's gaming technology lab, at the gaming vendor's expense, a functioning prototype of the gaming device as well as all documentation and other materials necessary to conduct testing and evaluate compliance.

(4) The gaming vendor shall promptly notify the commission of any negative action taken in another jurisdiction or if it becomes aware of an issue that may negatively impact the reporting of revenue, game outcome, or the integrity of a device that has been submitted to the commission for permitting or has been permitted.

(5) Prior to issuing a permit and after completing a review of a proposed gaming device that has not been available for public use in other jurisdictions for at least 45 days, the commission may require a trial period of up to 45 days to test the gaming device in a gaming establishment. During the trial period, minor changes in the operation or design of the gaming device may be made with prior approval of the commission.

(6) Upon reviewing a gaming device permit application and conducting any additional testing or trials that the commission requires, the commission shall issue a gaming device permit if the device meets the requirements of 205 CMR 144.02(7). If a gaming device does not meet the requirements of 205 CMR 144.02(7), the commission may deny the permit or issue the permit subject to conditions necessary for the gaming device to meet the requirements of 205 CMR 144.02(7). If the commission denies or conditions the gaming device permit, the commission shall provide a written notification containing the reason for the denial or condition. The gaming device permit shall not expire, but shall be subject to any future conditions imposed in accordance with 205 CMR 144.02(8).

(7) Prior to permitting, a gaming device must:

(a) meet the applicable requirements of G.L. c. 23K and 205 CMR 143; and

(b) not endanger, compromise, or weaken the credibility or integrity of gaming in the Commonwealth.

(8) The commission, or its designee, may add, modify or remove conditions following the initial permitting of a gaming device as necessary to ensure the integrity of the gaming device or the effective administration of 205 CMR.

(9) A gaming vendor may appeal a permit denial, permit revocation, or imposition of any condition on a permit by filing a petition on a form prescribed by the commission. Upon receipt

of a petition, the gaming technology lab shall schedule a hearing to be conducted in accordance with 205 CMR 144.02(10) and provide the gaming vendor with reasonable notice containing the date, time, and location of the hearing.

(10) Hearings convened pursuant to 205 CMR 144.02(9) shall be conducted in accordance with 801 CMR 1.02: *Informal/Fair Hearing Rules* and M.G.L. c. 30A. Given the sensitive nature of gaming device operations, the hearing will not be open to the public. Any party may be represented by legal counsel. All parties shall be permitted to present an opening statement, testify on their own behalf, cross-examine all witnesses, present any relevant witness testimony, present any relevant documentary evidence, and offer a closing argument. The gaming technology lab may question any witness and include any records kept by the commission as exhibits. The commission's executive director shall designate a hearing officer to preside over the hearing. The decision of the hearing officer will be final. Any person aggrieved by a decision of the hearings officer may appeal such decision in conformance with M.G.L. c. 30A, § 14.

144.03: Registration of Gaming Device Inventory

(1) In order to register a gaming device for use in a gaming establishment, a gaming licensee must submit a gaming device registration application with the commission's gaming technology laboratory. The commission may reject any gaming device registration application that is deemed administratively incomplete. The application for a gaming device registration shall be in the form prescribed by the commission and contain:

- (a) the gaming licensee's name;
- (b) the gaming device number issued by the commission for the permitted prototype on which the gaming device is based;
- (c) in the case of a physical gaming device, the unique serial number and the date of manufacture for each copy of the gaming device that the gaming licensee intends to use in the gaming establishment;
- (d) in the case of a software gaming device, the maximum number of instances of the software that the gaming licensee intends to use at any one time in the gaming establishment;

(2) Upon reviewing a gaming device registration application, the commission shall register the gaming device if the gaming device registration application is in compliance with the requirements and conditions of the gaming device permit on which the device is based. The gaming device registration shall not expire, but shall be subject to any future conditions imposed in accordance with 205 CMR 144.03(4).

(3) A registered gaming device must:

(a) be identical in all mechanical, electrical, electronic or other material aspects to the prototype permitted in accordance with 205 CMR 144.02 on which the gaming device is based;

(b) comply with any conditions of the permitted prototype on which the gaming device is based; and

(c) not endanger, compromise, or weaken the credibility or integrity of gaming in the Commonwealth.

(4) The gaming licensee must ensure that the registered gaming device is and remains in compliance with 205 CMR 144.03(3) at all times. The commission may at any time inspect any registered gaming device and revoke or condition the registration if that device fails to comply with section 205 CMR 144.03(3). Prior to revoking or conditioning the registration of a gaming device currently in use in a gaming establishment, the commission shall allow the gaming licensee a reasonable amount of time to bring the device into compliance.

(5) A gaming licensee may appeal a registration denial, registration revocation, or imposition of any condition on registration by filing a petition on a form prescribed by the commission. Upon receipt of a petition, the gaming technology lab shall schedule a hearing to be conducted in accordance with 205 CMR 144.03(6) and provide the gaming licensee with reasonable notice containing the date, time, and location of the hearing.

(6) Hearings convened pursuant to 205 CMR 144.03(5) shall be conducted in accordance with 801 CMR 1.02: *Informal/Fair Hearing Rules* and M.G.L. c. 30A. Given the sensitive nature of gaming device operations, the hearing will not be open to the public. Any party may be represented by legal counsel. All parties shall be permitted to present an opening statement, testify on their own behalf, cross-examine all witnesses, present any relevant witness testimony, present any relevant documentary evidence, and offer a closing argument. The gaming technology lab may question any witness and include any records kept by the commission as exhibits. The commission's executive director shall designate a hearing officer to preside over the hearing. The decision of the hearing officer will be final. Any person aggrieved by a decision of the hearings officer may appeal such decision in conformance with M.G.L. c. 30A, § 14.

(7) A gaming licensee shall inform the commission's gaming technology laboratory of any registered gaming device that the gaming licensee no longer possesses no later than the second Monday of the month following termination of possession.

144.04: Required Testing by Independent Testing Laboratories

(1) Any testing by a commission certified independent testing laboratory for the purposes of permitting a gaming device shall be conducted in compliance with M.G.L. c. 23K and 205 CMR 143 and 144.

(2) The independent testing laboratory shall issue a report of the testing results to the gaming vendor. Such report shall contain:

- (a) the part and version numbers of the gaming device tested;
- (b) attachments containing documents sufficient to describe the functionality and operation of all material components of the gaming device;
- (c) a description of all tests conducted and the results of such tests;
- (d) a statement as to whether each of the components within the gaming device, each interaction between components, and the device as a whole is compliant with the latest version of M.G.L. c. 23K and 205 CMR 143 as of the start date of testing;
- (e) the date the gaming device was submitted for testing;
- (f) the start and end dates of the gaming device testing;
- (g) the location of the facility used to perform the testing; and
- (h) a statement, signed under penalty of perjury, that all information provided in the report is accurate and complete.

(3) The independent testing laboratory's report shall not contain any information in its body that if publically released may harm the integrity of the gaming device, but such information may be disclosed in an attachment.

(4) The independent testing laboratory may communicate with the applicant to request additional documentation or to discuss potentially non-compliant components. The independent testing laboratory shall log any communication between itself and the applicant and be able to provide to the commission copies of all documents transmitted to or from the applicant for at least seven years following the issuance of the report.

(5) The independent testing laboratory may only rely on testing conducted and data collected from a third party or from its own testing for another jurisdiction if the testing was performed during the past six years by an independent party with no apparent interest in the result. An independent testing laboratory relying on such external testing or data must clearly identify in its report all such reliance and independently verify the validity of such data or testing by:

- (a) finding that the methods described in the earlier test are reliable and there is no indication that the data are incorrect; or
- (b) showing that the gaming device has been implemented for public use for at least 6 months in other jurisdictions and has performed in conformance with the data;

(6) An independent testing laboratory may rely on any data or results of testing conducted by a commission certified independent testing laboratory during the past six years when such testing was conducted for purposes of permitting a gaming device in the Commonwealth. Any reliance pursuant to 205 CMR 144.04(5) or (6) must be clearly identified in the report.

144.05: Fees for Testing, Permitting, and Registration of Gaming Devices

(1) A gaming vendor seeking a gaming device permit shall remit appropriate fees to the commission along with the gaming device permit application. The application fee for submitting a new gaming device for permitting or for modification of a currently permitted gaming device is \$500. If the Commission's costs for testing, in accordance with the fee schedule posted by the Commission to its website, exceed the initial application fee, the gaming vendor shall pay the additional amount within 30 days after notification of insufficient fees or the application shall be rejected.

(2) A gaming vendor requesting that a commission certified independent testing laboratory conduct testing shall pay all costs of the testing directly to the independent testing laboratory.

(3) There is no fee for registering a gaming device based on a permitted prototype of the same device.

144.06: Independent Testing Laboratory Certification and Auditing

(1) Certification Process. In order to provide testing services of gaming devices in Massachusetts, a person must be certified as an independent testing laboratory in accordance with 205 CMR 144.06. The certification process will take place as follows:

(a) The commission may issue yearly a request for applications from applicants interested in being certified as independent testing laboratories.

(b) Upon receipt of an application in the form prescribed in 205 CMR 144.06(5) the gaming technology laboratory and the bureau shall conduct any investigation they deem reasonable, including any visit, review or inspection of each independent testing laboratory seeking certification to evaluate the laboratory's qualifications and capabilities pursuant to 205 CMR 144.06(3).

(c) The applicant is required to submit a \$5,000 application fee with its application for certification. If the Commission's costs associated with the investigation, including site visits, inspections, and background investigations, of the applicant during the certification evaluation period, in accordance with the fee schedule posted by the Commission to its website, exceed the application fee, the applicant shall pay the additional amount within 30 days after notification of insufficient fees or the application shall be rejected.

(d) Upon the conclusion of evaluation and upon full payment of any costs associated with the certification process, the gaming technology laboratory, with the input of the bureau, shall issue a written report to the commission and to the applicant. The commission shall determine whether to initiate a process for a public hearing or adjudicatory proceeding. However, the commission may only utilize the public hearing process with the applicant's consent.

(e) If the commission determines that an adjudicatory proceeding will be held, the commission shall conduct an adjudicatory proceeding in accordance with 801 CMR 1.02: *Informal/Fair Hearing Rules* and M.G.L. c. 30A on the gaming technology laboratory's report under 205 CMR 144.06(1)(d) concerning the applicant. Any party may be represented by legal counsel. All parties shall be permitted to present an opening statement, testify on their own behalf, cross-examine all witnesses, present any relevant witness testimony, present any relevant documentary evidence, and offer a closing argument. The commission will issue a public notice in advance of the adjudicatory proceeding stating the date, time and place of the hearing. The commission shall issue a final decision granting or denying the certification within 30 days of the hearing.

(f) If the commission determines that a public hearing should be held, the commission shall review the gaming technology laboratory's report and make a final decision granting or denying the certification at a public hearing. The commission will issue a notice in advance of the public hearing stating the date, time and place of the hearing.

(g) Certification as an independent testing lab shall be valid for one year and shall automatically renew annually thereafter upon payment of a renewal and audit fee of \$2,000. The commission may audit the compliance of the certified independent testing laboratory with commission requirements annually or more often if needed. The commission may revoke the registration of a certified independent testing laboratory if the testing laboratory no longer meets the requirements of G.L. c. 23K and 205 CMR.

(h) The commission shall maintain a list of certified independent testing laboratories along with the categories of gaming device that each independent testing laboratory may test.

(2) Categories of Certification. Each independent testing laboratory must be certified for each category of testing for which the laboratory seeks to provide results. The categories of testing include:

- (a) Games and game variations;
- (b) Gaming devices and gaming device modifications;
- (c) Gaming associated equipment and gaming associated equipment modifications;

- (d) Cashless wagering systems and cashless wagering system modifications;
- (e) Inter-casino linked systems and inter-casino linked system modifications;
- (f) Mobile gaming systems and mobile gaming system modifications;
- (g) Interactive gaming systems and interactive gaming system modifications; and
- (h) Any other category of testing that the commission may deem appropriate.

(3) Standards for Certification. To qualify for certification, the independent testing laboratory, must:

- (a) Be independent pursuant to 205 CMR 144.06(4)
- (b) Be accredited in accordance with ISO/IEC 17025 by an accreditation body that is a signatory to the International Laboratory Accreditation Cooperation Mutual Recognition Agreement, unless the independent testing laboratory is only seeking certification for the testing of games and game variations;
- (c) Demonstrate suitability in accordance with G.L. c. 23K, §§ 12 and 16 by clear and convincing evidence after considering reciprocity from other jurisdictions;
- (d) Demonstrate that it is technically competent in testing the category of game, device, or system in which it is seeking certification; and
- (e) Demonstrate that it is technically competent to test compliance with the applicable Massachusetts statutes, regulations, standards and policies.

(4) Independence. An independent testing laboratory must be independent at all times while certified by the commission.

- (a) To be considered independent from a manufacturer, distributor, or operator pursuant to 205 CMR 144.06(3)(b), the independent testing laboratory, including its employees, management, directors, owners, compliance committee members and gaming regulatory advisors, with the exception of the independent testing laboratory's external accountants and attorneys:

1. Must not have a financial or other interest, direct or otherwise, in a manufacturer, distributor, or operator of any game, gaming device, associated equipment, cashless wagering system, inter-casino linked system, mobile gaming system or interactive gaming system, or any component thereof or modification thereto, regardless of whether or not the person or entity is licensed, registered, or otherwise does business in Massachusetts;

2. Must not participate, consult, or otherwise be involved in the design, development, programming, or manufacture of any game, gaming device, associated equipment, cashless wagering system, inter-casino linked system, mobile gaming system or interactive gaming system, or any component thereof or modification thereto;

3. Must not have any other interest in or involvement with a manufacturer, distributor, or operator that could cause the independent testing laboratory to act in a manner that is not impartial; and

4. Such individuals shall not serve in any capacity with a manufacturer, distributor, or operator beyond the scope of the independent testing laboratory's engagement pursuant to these regulations.

(b) The restrictions in 205 CMR 144.06(4)(a) shall not be interpreted to limit an independent testing laboratory, or the above listed individuals, from providing consulting services to a manufacturer, distributor, or operator, provided that such services do not directly or indirectly indicate, suggest, or imply how to design, develop, program or manufacture a game, gaming device, associated equipment, cashless wagering system, inter-casino linked system, mobile gaming system or interactive gaming system, or any components thereof or modification thereto.

(c) The restrictions in 205 CMR 144.06(4)(a) shall not be interpreted to limit its ability to accept fees from a gaming device vendor in accordance with 205 CMR 144.05.

(5) Form of Application. An application for certification as an independent testing laboratory shall be in the form prescribed by the commission and contain:

(a) The required application fee pursuant to 205 CMR 144.06(1)(c);

(b) A completed business entity disclosure form as set forth in 205 CMR 134.07(6) for the applicant entity;

(c) Completed multi-jurisdictional personal history disclosure forms as set forth in 205 CMR 134.07(1) for each person who would be a gaming vendor qualifier pursuant to 205 CMR 134.04(4) if the applicant were a gaming vendor;

(d) Copies of all ISO/IEC 17025 certification and accreditation materials except if the independent testing laboratory is only seeking registration for the testing of games and game variations;

(e) All ISO required internal controls, policies and procedures, except if the independent laboratory is only seeking registration for the testing of games and game variations;

- (f) Detailed description of the testing facilities;
- (g) Detailed description of available testing staff and staff qualifications, including education, training, experience and skill levels;
- (h) Detailed description of available testing equipment;
- (i) Copies of documented policies, systems, programs, procedures and instructions to assure the quality of test results;
- (j) Copies of all test scripts to be used for testing against the applicable Massachusetts statutes, regulations, standards, and policies.
- (k) A statement subscribed by the applicant that:
 - 1. The information being provided to the commission is accurate and complete;
 - 2. The applicant agrees to cooperate with all requests, inquiries, or investigations of the commission;
 - 3. The applicant acknowledges that the commission shall retain jurisdiction over the independent testing laboratory in any matter involving a gaming device;
 - 4. The applicant acknowledges that it will comply with G.L. c. 23K, § 13(b) and (c) and update the commission in accordance with 205 CMR 144.06(6);
 - 5. The applicant agrees to indemnify and hold harmless the Commonwealth of Massachusetts and the commission, and each of their members, agents, and employees in their individual and representative capacities against any and all claims, suits and actions, brought against the persons named in this section by reason of any inspections or certifications performed by the applicant as a certified independent testing laboratory, and all other matters relating thereto, and against any and all expenses, damages, charges and costs, including court costs and attorney fees, which may be sustained by the persons and entities named in this subsection as a result of said claims, suits and actions; and
- (l) any additional information that the commission may require.

(6) Notification Requirements. Certified independent testing laboratories shall:

- (a) notify the commission of any change in ownership of the certified independent testing laboratory, any change in directors, executives, or key management or employees of the independent testing laboratory, and any other material changes to the information included in its application for registration or the information submitted in conjunction with or subsequent to its application within 30 days of such change;

(b) no later than by the 15th day of each January, inform the commission in writing of any changes to the information that was contained on the registered independent testing laboratory's application for registration or submitted in conjunction with or subsequent to its application, or that no changes have occurred since the last reporting date;

(c) maintain copies of the results of any ISO/IEC 17025 audits or reviews and notify the commission in writing of the availability of the results within 15 days of when they become available to the registered independent testing laboratory and provide copies to the commission upon request.

(d) notify the commission immediately of any material issues concerning any gaming device that it tested for use in Massachusetts;

(e) notify the commission immediately of any attempts by a manufacturer, distributor, or operator to improperly influence the certified independent testing laboratory, or any of its employees, managers, or owners, in or in connection with any testing of gaming devices for use in Massachusetts; and

(f) timely provide the commission with such other information as the commission may request or require.

(7) Continued Obligations. Certified independent testing laboratories shall abide by the following requirements while certified:

(a) In the interest of preserving a competitive gaming industry, a certified independent testing laboratory shall not implement or maintain any procedure or policy or take any action that would inhibit or prevent a manufacturer, distributor or operator that has otherwise been deemed suitable for doing business in Massachusetts by the commission from submitting a game, gaming device, associated equipment, cashless wagering system, inter-casino linked system, mobile gaming system or interactive gaming system, or any component thereof or modification thereto, for testing for use in Massachusetts, or that would call into question or tend to erode the independence of the certified independent laboratory from any clients that utilize its services.

(b) All testing shall be performed by a person directly employed by the certified independent testing laboratory. The certified independent testing laboratory shall not assign, delegate, subcontract, or otherwise engage any person not directly employed by the certified independent testing laboratory for any testing for which the laboratory has been certified. The certified independent testing laboratory shall provide the commission each month with a list and description of all amounts paid by or invoiced to licensed gaming vendors for costs of gaming device testing or otherwise.

(c) A certified independent testing laboratory shall implement and maintain a hiring and background check process that ensures, at a minimum, that no person is hired in a

position involving testing relating to Massachusetts, or in a position overseeing or managing an employee in such a position, who has:

1. failed to disclose or misstated information or otherwise attempted to mislead the commission with respect to any information the person has provided to the commission;
2. been convicted of a felony or other crime involving embezzlement, theft, fraud or perjury;
3. committed prior acts which have not been prosecuted or in which the person was not convicted but form a pattern of misconduct that makes the person unsuitable;
4. Been identified in the published reports of any federal or state legislative or executive body as being a member or associate of organized crime, or as being of notorious and unsavory reputation;
5. Been placed and remains in the constructive custody of any federal, state or municipal law enforcement authority; or
6. Had any gaming license, registration or other like credential revoked or committed any act which is a ground for the revocation of a gaming license, registration or other professional credential held by the person or would have been a ground for the revocation of a gaming license, registration or other professional credential had the person held such license, registration, or credential.

(d) A certified independent testing laboratory shall handle all information and data prepared or obtained as part of the testing process as confidential.

(e) A certified independent testing laboratory shall implement and maintain security and access control systems designed to secure and protect the confidentiality of all equipment, software, and other information entrusted to it as part of the testing process.

(f) The commission may, as appropriate, periodically provide further guidance as to what is required of a certified independent testing laboratory through industry notices or other written communications.

(g) If a certified independent testing laboratory hires an individual who was previously employed by, or performed any work for, a manufacturer, distributor or operator within one year prior to the individual's date of employment with the independent testing laboratory, the certified independent testing laboratory shall not permit that person to test any gaming device for use in Massachusetts, for which the person had any involvement

with, whatsoever, while he or she was employed by the manufacturer, distributor or operator for a period of one year from the individual's date of employment with the independent testing laboratory.

REGULATORY AUTHORITY
205 CMR 144: M.G.L. c. 23K, §§x

DRAFT

205 CMR: MASSACHUSETTS GAMING COMMISSION
205 CMR 145.00: POSSESSION OF SLOT MACHINES

Section

145.01: Possession of Slot Machines

145.02: Transportation of Slot Machines

145.01: Possession of Slot Machines

(1) The following persons and any employee or agent acting on their behalf may, subject to any terms and conditions imposed by the commission, possess slot machines in the commonwealth for the purposes provided herein, and such possession is not restricted by G.L. c. 271, § 5A, provided that the machines are kept only in such locations as may be specifically approved in writing by the commission and that any machines located outside of a gaming establishment not be used for gaming activity:

(a) A holder of:

1. A gaming license at the gaming establishment;
2. A gaming vendor license, for the purpose of distributing, repairing or servicing slot machines;

(b) An employee or agent of the commission, for the purpose of fulfilling official duties or responsibilities;

(c) A common carrier, for the purpose of transporting such slot machines;

(d) A trade school approved by the commission to possess slot machines for educational purposes; or

(e) Any other person the commission may approve after finding that possession of slot machines by such person in this state is necessary and appropriate to fulfill the goals and objectives of M.G.L. c. 23K and 205 CMR.

(2) Each gaming licensee shall file, prior to the commencement of gaming and every thirty days thereafter with the commission a comprehensive lists of:

(a) The slot machines and bill validators and/or bill changers not integrated into a slot machine on its gaming floor (the "Slot Machine Master List");

(b) The slot machines possessed by the licensee in restricted areas off the gaming floor but on the premises of its gaming establishment;

(c) The slot machines possessed by the licensee at locations in this state but off the premises of its gaming establishment.

(3) At a minimum, each list of slot machines required by paragraph (2) of this rule shall contain the following information, as applicable, for each slot machine and any accompanying bill validator and/or bill changer on the "Slot Machine Master List," in consecutive order by location number:

(a) The date on which the list was prepared;

(b) A description of each slot machine by:

1. Slot machine model and serial number;
2. Computer program number;
3. Denomination;
4. Manufacturer and machine type; and
5. Whether the slot machine has an electronic funds transfer (EFT) feature.

(c) A cross reference for each slot machine by zone and serial number;

(d) The restricted area within the gaming establishment where the slot machine is located for each slot machine included on the list required by paragraph (2)(b) of this rule;

(e) The address of the slot machine storage facility where the slot machine is located for each slot machine included on the list required by paragraph (2)(c) of this rule; and

(f) Such other information as the commission may require.

(4) Any building located outside of a casino facility where slot machines will be kept shall meet, at a minimum, the following requirements:

(a) All access doors and windows must be locked and alarmed;

(b) Access is restricted to those individuals permitted to maintain slot machines pursuant to this regulation; and

(c) Any other requirements as deemed appropriate by the commission.

145.02: Transportation of Slot Machines

(1) Pursuant to St. 2011, c. 194, §§ 101 and 102, any transportation of a slot machine in accordance with 205 CMR 145.02 shall be exempt from the provisions of chapter 1194, 64 Stat. 1134, 15 U.S.C. 1171 to 1178.

(2) Prior to the transport or movement of any slot machine into the Commonwealth; from one authorized location to another authorized location within the Commonwealth unless both locations are operated and controlled by the same gaming licensee; or out of the Commonwealth, the person causing such slot machine to be transported or moved shall first notify the commission in writing giving the following information:

- (a) The full name and address of the person shipping or moving the machine;
- (b) The full name and address of the person who owns the machine, including the name of any new owner in the event ownership is being changed in conjunction with the shipment or movement;
- (c) The method of shipment or movement and the name of the carrier or carriers;
- (d) The full name and address of the person to whom the machine is being sent and the destination of the machine if different from such address;
- (e) The quantity of machines being shipped or moved and the manufacturer's serial number of each machine;
- (f) The expected date and time of delivery to or removal from any authorized location in the Commonwealth;
- (g) The port of entry, or exit, if any, of the machine if the origin or destination of the machine is outside the continental United States; and
- (h) The reason for transporting the machine.

(3) The person shipping or moving any slot machine shall provide to the shipper a document, at least one copy of which shall be kept with the slot machine at all times during the shipping process, that contains the following information, at a minimum:

- (a) The manufacturer's serial number of the slot machine being transported;
- (b) The full name and address of the person from whom the machine was obtained;
- (c) The full name and address of the person to whom the machine is being sent; and
- (d) The dates of shipment.

(4) Any person, company, or school receiving a slot machine shipment from outside of the Commonwealth shall, within three business days of receipt, provide the commission with the information enumerated in (b) above.

(5) All movements of slot machines shall be recorded in a log that shall be maintained in accordance with the record retention requirements contained in 205 CMR 135.XX and include the following:

- (a) The manufacturer's serial number;
- (b) The casino operator's equipment number, if applicable;
- (c) An indication as to whether the equipment is equipped for tokenization, and if so, the denomination;
- (d) The date and time of movement of the equipment;
- (e) The location from which the equipment was moved;
- (f) The location to which the equipment was moved; and
- (g) The printed name(s) and signature(s) of the person(s) involved in moving the equipment.

REGULATORY AUTHORITY
205 CMR 145: M.G.L. c. 23K, §§x



May 22, 2014

Stephen Crosby, Chairman
 Massachusetts Gaming Commission
 84 State Street, 10th Floor
 Boston, MA 02109

Re: 205 CMR 143.01(3)

Dear Chairman Crosby,

On behalf of Penn National Gaming, Inc. (Penn), I am writing to recommend a modification to proposed regulation 205 CMR 143.01(3). The proposed modification would provide that each designated seat or standing position at an electronic table game is a “gaming position” but that each such electronic table game constitutes only one slot machine under ch. 23K, § 2. We believe that the proposed regulation is consistent with the statutory scheme and has the benefit of increasing the daily taxes paid by the category 2 licensee to the Commonwealth under § 55 of ch. 23K while, at the same time, increasing proportionally the share of the annual fees paid by the category 2 licensee under § 56 of ch. 23K. Our proposed modification (with new language italicized) is as follows:

205 CMR 143.01(3) “For purposes of M.G.L. c.23k and 205 CMR each gaming position, as defined by M.G.L. c.23K, § 2, at a slot machine shall be considered a separate slot machine, *except for gaming positions at electronic table games. For the purposes of M.G.L c.23K, § 56, each designated seat or standing position where a patron of a gaming establishment can play a multiplayer electronic table game will constitute a gaming position.*” (Additional language italicized)

Statutory and Regulatory Background:

Section 2 of ch. 23K defines a “gaming position” as a designated seat or standing position where a patron of a gaming establishment can play a game. See M.G.L c.23K, §2. “Slot machine” is defined as “a mechanical, electrical or other device, contrivance or machine which, upon insertion of a coin, token or similar object therein, or upon payment of any consideration whatsoever, is available to play or operate, the play or operation of which, whether by reason of the skill of the operator or application of the element of chance, or both, may deliver or entitle the individual playing or operating the machine to receive cash, or tokens to be exchanged for cash, or to receive merchandise or any other thing of value, whether the payoff is made automatically from the machine or in any other manner, except that the cash equivalent value of any merchandise or other thing of value shall not be included in determining the payout percentage of a slot machine.” *Id.*

Draft regulation 205 CMR 143 provides that “an electronic table game shall be considered a slot machine in accordance with M.G.L. c. 23K, § 2 unless the simulation requires the intervention of a gaming employee prior to the final determination of winnings.” *Id.* at 143.09 (2). The draft regulation further provides that “for purposes of M.G.L. c.23K and 205 CMR each gaming position, as defined by M.G.L. c.23k, § 2, at a slot machine shall be considered a separate slot machine.” 205 CMR 143.01(3).

Penn suggests the revision to 205 CMR 143 based on the following factors:

1. The Proposed Regulatory Revision Falls within MGC’s Regulatory Authority

Under the proposed modification, each electronic table game would be considered an individual slot machine for the purposes of M.G.L. c. 23k, § 2k’s limit of 1,250 slot machines and each designated seat or standing position where a patron of a gaming establishment can play an electronic table game would be considered a separate “gaming position” for the purposes of the annual fees assessed under § 56. The proposed modification would allow Penn to weigh the cost of the increase in its proportional share of annual assessments under § 56 against the increased revenue that would result from adding gaming positions, and to add an appropriate number of gaming positions in accordance with that economic calculation. This also would have the effect of increasing the daily taxes paid to the Commonwealth under § 55, which imposes taxes on the licensee totaling 49% of its gross gaming revenue. M.G.L. c.23k, § 55 (b) and (c). Because Chapter 23k does not impose a cap on the number of gaming positions, the proposed modification is firmly within the Commission’s regulatory discretion. *See* M.G.L. c.23k, §2 (limiting the Category 2 licensee to “1,250 slot machines,” with no reference to “gaming positions”). Adopting Penn’s proposed definition also will allow the Commission to increase the daily tax revenue paid to the Commonwealth under § 55, while maintaining the statutory number of slot machines noted in M.G.L. c. 23k § 2.

2. The Proposed Modification is Consistent with the Statutory Definition of “Slot Machine”

The proposed modification would recognize that electronic tables are “slot machines” under § 2, but also would clarify that each gaming position at an individual slot machine does not count as a separate slot machine for purposes of calculating the total number slot machines allowed category 2 licensees. We believe that if the legislature had intended § 2 to limit the total number of gaming positions (rather than the number of slot machines), it would have expressly said so. In § 56, for example, the legislature required a financial assessment based on the number of gaming positions in an establishment, not the number of slot machines or tables. Had it intended § 2 to govern the number of gaming positions, it easily could have done so by making explicit reference to the same term, just as it did in § 56. *See Commonwealth v. Galvin*, 388 Mass. 326, 330, 446 N.E.2d 391 (1983) (“[W]here the Legislature has employed specific language in one paragraph, but not in another, the language should not be implied where it is not present.”); *Alliance to Protect Nantucket Sound, Inc. v. Dep’t of Pub. Utilities*, 461 Mass. 166, 182-83 (2011) (“[W]e have given agencies broad discretion to interpret statutes that they enforce, lending ‘substantial deference’ to their interpretations.”) (citing *City Council of Agawam v. Energy Facilities Siting Bd.*, 437 Mass. 821, 828, 776 N.E.2d 1002, 1007 (2002)).¹ The

¹ The reference in § 2’s definition of the term “slot machine” to “the individual playing or operating” the game simply expresses the requirement that the machine pay something of value to a player and should not be construed to silently impose a limit on gaming positions. *See* M.G.L. c.4, § 6 (“Words importing the singular number may

proposed modification to the regulation thus is well within the Commission's authority and consistent with the language and legislative intent behind M.G.L. c.23k, § 2.

3. The Proposed Modification is Consistent with Other Jurisdictions

Other jurisdictions have adopted specific provisions differentiating electronic table games for purposes of gaming positions or game counts. Illinois Administrative code defines the term gaming position for the purposes of adhering to the 1,200 gaming position limit dictated by 230 ILCS 10/7(h). Specifically, EGDs are counted as 9/10s of a position. *See* Illinois Administrative Code 86 3000.606.(a) ("Positions for games utilizing Electronic Gaming Devices will be determined as 90 percent of the total number of devices available for play.") New Mexico state regulations also differentiate electronic table games from standard slot machines by including a proportional representation metric. Specifically, multi-station games shall not comprise more than three (3) percent of the total possible allowed gaming machines on the gaming floor and for game count purposes, each multi-station game having up to five (5) player terminals shall count as one (1) gaming machine, each multi-station game having between six (6) and ten (10) player terminals shall count as two (2) gaming machines and each multi-station game having between eleven (11) and fifteen (15) gaming machines shall count as three (3) gaming machines. 15.1.10.24(D)(4) NMAC. Penn contends that the suggested revision adheres to Massachusetts statute while following gaming position definitions found in other jurisdictions.

Based on the discussion above, Penn proposes that the Commission revise 205 CMR 143 to provide that each electronic table game constitutes a single slot machine for the purposes of M.G.L. c.23k, § 2, with each designated seat or standing position at an electronic table game constituting a "gaming position" for the purposes of M.G.L. c.23K, § 56. This modification, which is well within the Commission's regulatory authority, will permit Penn to add an appropriate number of gaming positions for electronic table games, thus increasing the daily tax revenue that is paid to the Commonwealth in proportion to Penn's gross gaming revenue. Finally, if approved, Penn expects to have approximately 10-15 electronic table games at Plainridge Park Casino.

Frank T. Donaghue



Vice President Regulatory Affairs &
Chief Compliance Officer

extend and be applied to several persons or things, words importing the plural number may include the singular"); *see also Alliance*, 461 Mass. at 183 (deferring to agency's determination that statute requiring solicitation of proposals (plural) permitted solicitation of a single proposal); *Comm'r of Corporations & Taxation v. Thayer, Bradley Co.*, 291 Mass. 197, 201, 197 N.E. 47, 49 (1935) (permitting joinder of actions for taxes assessed for two separate years where statute referred to "tax or excise" in its singular form).

BINGHAM

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June 27, 2014

Via E-Mail

Stephen Crosby
 Chairman
 Massachusetts Gaming Commission
 84 State Street, Suite 720
 Boston, MA 02109

Dear Chairman Crosby and Commissioners:

On behalf of Penn National Gaming, I submit the following additional comments on the proposed Gaming Device Regulations, 205 CMR 143.01(3). Since the Commission first posted the Regulations for public comment, it has considered Penn's prior comment in support of counting multi-player electronic table games (ETG) as one slot machine for the purpose of M.G.L. c. 23K § 2's 1,250 slot machine limit. At the June 12 meeting, the Commission expressed interest in a permanent regulation that would permit Penn to add gaming positions for ETGs up to a regulatory cap of 2% of its slot machines, resulting in a maximum of 250 additional gaming positions. Penn believes that this proposal will maximize benefits to the Commonwealth by creating jobs and revenue while also honoring the legislative intent behind the Gaming Act. Penn submits the following comments in support of a permanent regulation to that effect:

I. The Proposed Regulation Honors the Legislative Intent behind the Gaming Act

In its comment dated June 18, 2014, Mohegan Sun seems to suggest that the Gaming Act exists to protect the Category 1 casinos from competition. In fact, the statute exists to benefit the Commonwealth as a whole, and the permanent regulation favored by Penn is consistent with the letter and the spirit of the Act. As Penn explained in more detail in its May 22, 2014 submission, § 2's definition of the term "slot machine" as a device that pays a thing of value to the person who operates the machine does not govern the entirely separate question of whether there may be more than one "gaming position" at any one slot machine. Nor would the legislature have required, in § 56, that financial assessments be based on the number of "gaming positions" (not "slot machines") if it intended the two terms to have identical meanings. *See* G.L. c. 4, §6 ("words importing the singular may extend and be applied to several persons or things"); *Commonwealth v. Galvin*, 388 Mass. 326, 330 (1983) (specific statutory language employed in one section but not another should not be implied where it is not present).

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At a bare minimum, the statutory language contains no indication that the Legislature intended to erect a rigid, blanket ban on any slot machine ever having more than one gaming position. Under these circumstances, the Commission has “broad discretion” to interpret c. 23K, and is entitled to “substantial deference” when it does so. *Alliance to Protect Nantucket Sound, Inc. v. Dep’t Pub. Utilities*, 461 Mass. 166, 182-83 (2011) (internal quotations and citations omitted).

To the extent that the legislature did intend to limit the size of the slots parlor, the proposed regulatory cap honors that intent by limiting the number of additional gaming positions to a maximum of 250. Furthermore, as evidenced by numerous comments submitted by legislators and labor representatives, this proposal will allow the Commonwealth to realize both immediate and long-term benefits through increased revenue and job creation, goals which are certainly consistent with the legislative purpose of the Act.

II. The Proposed Regulatory Cap Will Have a Negligible, If Any, Competitive Impact on Category 1 Licensees

There is no evidence, nor has Mohegan Sun ever suggested, that the demand for gaming services in the Commonwealth is so tenuous that a small increase in gaming positions will have a material adverse impact on the Category 1 casinos. As Mohegan Sun acknowledges, even if Penn chooses to add the maximum additional 250 gaming positions, the total number of Category 2 positions will still pale in comparison to those of the Category 1 licensees. Moreover, even assuming that some electronic table games “bear similarities” to the live table games offered at Category 1 casinos, electronic gaming devices tend to appeal to different consumers than live table games, and it is therefore unlikely that these devices will place Penn in direct competition with the Category 1 licensees.

III. Equity Weighs in Favor of Allowing Increased Gaming Positions on a Permanent Basis

Penn believes that the equitable concerns acknowledged at the Commission’s June 12 meeting weigh in favor of allowing Penn to maintain multi-position electronic table games on a permanent basis. In addition to allowing Penn’s customers to continue to enjoy the games they would become accustomed to playing in the temporary period, a permanent solution would allow the Commonwealth to continue to reap the benefits of job-creation and increased revenue that will flow from the additional gaming positions. These benefits will be further compounded by the fact that the additional gaming positions will permit Penn to compete more effectively against out-of-state facilities.

For the reasons outlined above and in May 22 submission, Penn respectfully submits that a permanent regulation permitting multi-position electronic table games to be counted as a single slot machine, up to a regulatory cap of 250 additional gaming

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positions, is consistent with the text and purpose of the Gaming Act. This solution would allow the Commonwealth to realize substantial benefits on both an immediate and a long-term basis, and its impact on the Category 1 licensees will be negligible. Penn therefore urges the Commission to adopt such a regulation on a permanent basis.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Emma D. Hall". The signature is fluid and cursive, with the first name "Emma" being more prominent than the last name "Hall".

Emma D. Hall



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June 18, 2014

Sent by Email to mgccomments@state.ma.us

Stephen Crosby
Chairman
Massachusetts Gaming Commission
84 State Street, Suite 720
Boston, MA 02109

Re: Mohegan Sun Massachusetts, LLC's Comments on 205 CMR 143.01(3)

Dear Chairman Crosby and Commissioners:

On behalf of Mohegan Sun Massachusetts, LLC ("Mohegan Sun"), thank you for the opportunity to provide comments on the proposed Gaming Device Regulations, 205 CMR 143.01(3). In particular, the Commission has invited comment on whether the slots parlor licensee should be allowed to have multiple gaming positions at some of its machines during the period between the slots parlor opening and the first casino opening. Mohegan Sun has commented on a variety of the Commission's proposals and once again welcomes the opportunity to share its thoughts on the Commission's implementation of the Expanded Gaming Act (the "Act").

Mohegan Sun submits the following comments regarding the Regulations:

I. Penn National's proposed change to 205 CMR 143.01(3) is a departure from the Act.

The draft regulations currently state: "For purposes of M.G.L. c.23K and 205 CMR each gaming position, as defined by M.G.L. c. 23K, § 2, at a slot machine shall be considered a separate slot machine." C. 23K, § 2 limits the Category 2 licensee to 1,250 slot machines. The regulation is crafted consistent with the legislature's intention of limiting the number of gaming positions and slot machines at the slots parlor so that it not unreasonably compete with the casino licensees. As the Commission has repeatedly noted, Category 1 licensees are expected to make a sizable minimum investment in their facilities, a minimum of \$500 million, and the limit on slot machines was designed to ensure that the slots parlor would not unreasonably compete with the Category 1 casinos.

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In a May 22, 2014 letter to the Commission, Penn National urged that the legislature did not mean for § 2 to limit the total number of gaming positions at the Category 2 gaming establishment, but rather only limit the number of machines. However, Penn does not explain why the legislature would seek to limit the number of machines physically present in a gaming establishment but be wholly unconcerned with the number of positions at those machines. It urges the Commission to disregard the single-player focus of the words “the individual playing or operating” in the definition of “slot machine,” arguing that under M.G.L. c. 4, § 6 “words importing a singular number may extend and be applied to several persons or things.” But this provision simply allows that singular numbers *may* be interpreted to mean “several persons or things,” where such an interpretation is appropriate, not that all singular numbers *must* be so understood. Penn offers no argument as to why such an interpretation makes sense in § 2, whether in reference to “individual playing or operating,” or to other singular references such as “insertion of a coin, token, or similar object,” or “skill of the operator.”

Nor does the mere fact that “slot machine” and “gaming position” are separately defined suggest that the Act’s 1,250 machine limit somehow applies only to machines but not positions. Penn points to § 56, which assesses a \$600 annual license fee on “slot machines,” and also allows the Commission to assess the costs of maintaining regulatory control over gaming establishments upon those establishments “in proportion to the number of gaming positions” they maintain. But all that shows is that § 56 allows assessment on both Category 1 and Category 2 licensees by the single metric of “gaming positions,” which necessarily means positions at table games at Category 1 licensees in addition to positions at slot machines.

The fact that “gaming positions” is broader than “slot machines” should not allow a regulatory departure from a clear statutory attempt to limit the size of the slots parlor. The 1,250 machine limit makes no sense if machines subject to that limit may have eight or 10 positions each; indeed, Mohegan Sun is aware of electronic table games popular in other jurisdictions that may have as many as 200 positions each.¹ Even as Penn “expects to have approximately 10-15 electronic table games at Plainridge Park Casino,” Penn’s proposed regulatory change does not include such a limit. Accordingly, Mohegan Sun strongly encourages the Commission to keep the proposed regulation as written.

II. Allowing additional gaming positions above 1,250 even temporarily sets a troublesome precedent.

Mohegan Sun understands that the Commission’s request for public comment does not contemplate the exact change Penn urges, and that the Commission does not seem to intend to allow additional positions with no limit at all. Rather, the Commission has asked

¹ For example, in 2012 Union Gaming Research Macau acknowledged the growth of electronic table games in Asia and the implementation of stadium seating facilities with up to 200 seats. See Union Gaming Macau: Outlook on electronic table games (ETGs) in Asia, July 2, 2012, <http://www.asgam.com/news/item/1657-union-gaming-macau-outlook-on-electronic-table-games-egts-in-asia.html>.

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for comment on whether Penn could temporarily be allowed to exceed 1,250 gaming positions until the first Category 1 licensee is operational. The Commission discussed a possible limit of 250 additional positions. Mohegan Sun has several concerns about allowing additional gaming positions above 1,250.

First, Mohegan Sun does not believe, as a matter of precedent, that the Commission should craft a regulation that departs from the Act. The legislature could have defined "Category 2 license" without including any limit on slots machines, but it explicitly chose to include one, and a limit on gaming positions is consistent with the limit on slots machines.

Second, we agree with the comments of Commissioner Cameron that requiring Penn to remove gaming positions after a certain period would be unfair to Penn, its customers and the Commonwealth. She said:

I don't know that I think it's fair to allow this and then take it away. I think people get accustomed to playing certain games. I think it could put Penn at a competitive disadvantage if we were to say you can have it only up until and then take it away. That doesn't seem equitable to me.

June 12, 2014 Transcript, p. 112. Mohegan Sun believes Commissioner Cameron rightly points to the practical limitations involved with allowing Penn to purchase or lease multiple-position games, letting customers get accustomed to such games for several years, and then changing the limit on gaming positions back to 1,250. Customers who frequent the Plainridge Park Casino would, together with that establishment's owners and operators, come to oppose the Commission's efforts to bring the limit on positions back down, because that would inevitably involve removing machines and changing the offerings of the slots parlor.

Third, allowing the extra positions on a permanent basis could have substantial impacts on the Category 1 licensees. The figure discussed by the Commission on June 12 - 250 additional positions - is a 20 percent increase in gaming positions over what the Category 1 licensees expected in competition from the slots parlor. Moreover, some of these 250 positions will be electronic table games that bear similarities to the live table games that are exclusively offered by Category 1 licensees. While it is true that the overall number of gaming positions between the three Category 1 licensees will be much higher than 1,250, 250 additional positions are potentially enough to impact the Category 1 licensees.

While of course no Category 1 licensee reasonably expected that the slots parlor would not have a head start in earning customer interest and loyalty, none could expect this head start would also involve 250 additional positions. Mohegan Sun understands that the extra positions could generate additional revenue for the Commonwealth, but urges that the Act does not attempt to maximize short term revenue in every instance. The 1,250 machine limit, like the overall limit on the number of licensees, reflects a variety of concerns, such as the number of people gaming, the number of potential jobs created and supported through live table gaming in comparison to slot machine only gaming, a preference for stability

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between the licensees, and the long term growth and success of both the licensees themselves and the prosperity they bring to the region.

For these reasons, Mohegan Sun believes that allowing more than 1,250 positions permanently is inconsistent with the Act and a temporary increase in gaming positions is impractical. The regulations as drafted reflect the legislature's intent to limit the slots parlor to 1,250 positions, and Mohegan Sun urges against any changes.

Mohegan Sun looks forward to further participating in the Commission's deliberation of this very important issue. Thank you for your consideration, and please let me know if there are any questions.

Sincerely,



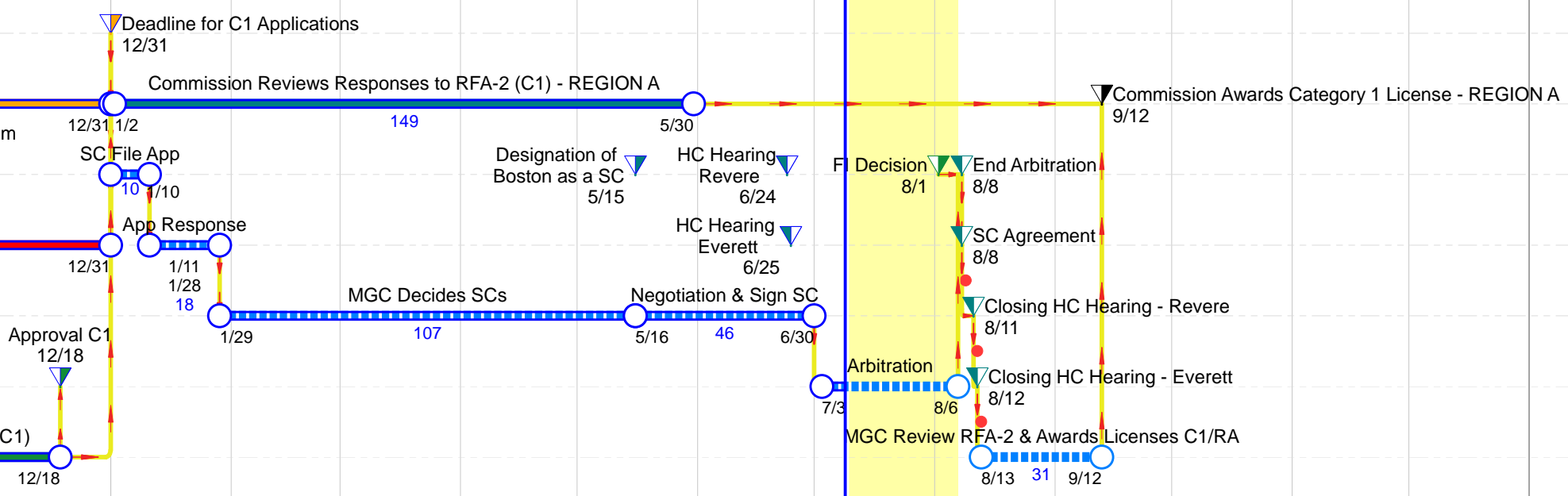
Kevin C. Conroy

cc: Mr. Mitchell Etess
David Rome, Esq.
Mr. J. Gary Luderitz

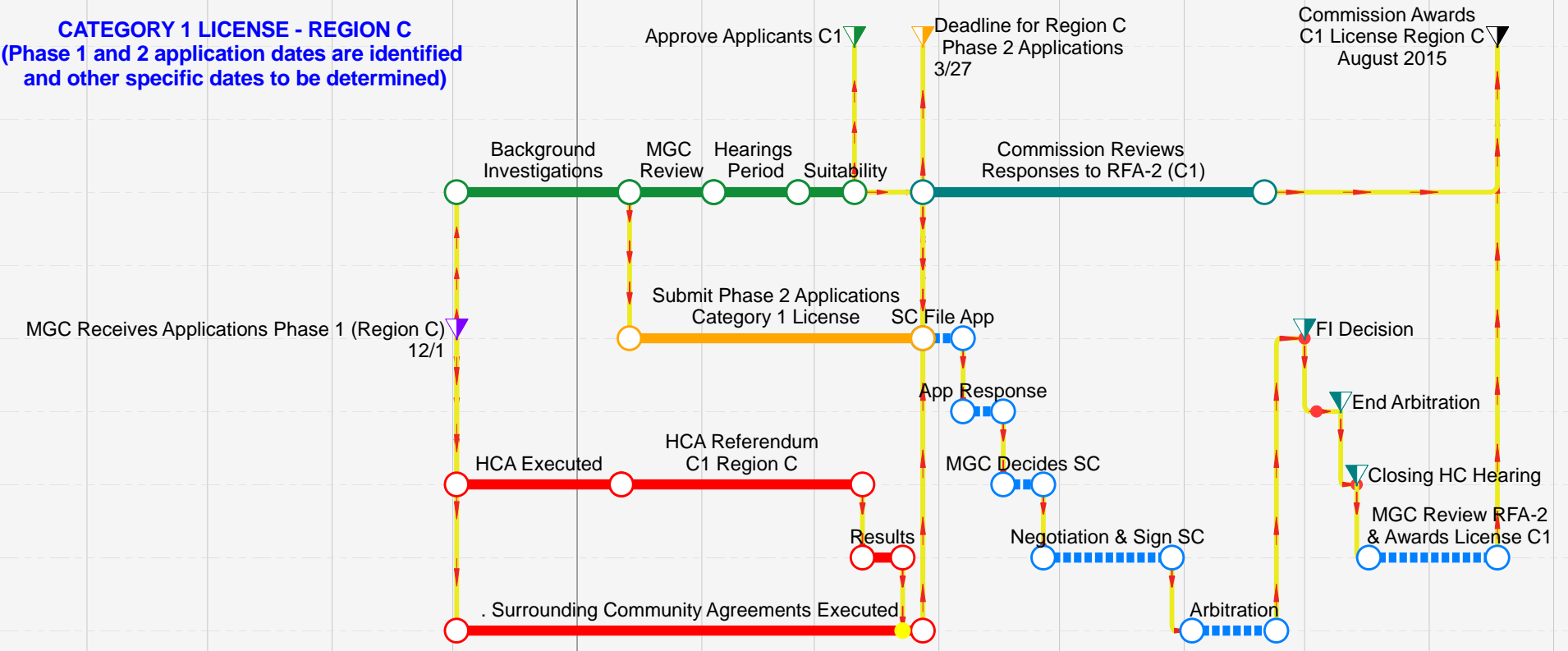
Massachusetts Gaming Commission / 2014-07-08 Licensing Schedule Update

Data Date
07/08/2014

CATEGORY 1 LICENSE - REGION A



CATEGORY 1 LICENSE - REGION C (Phase 1 and 2 application dates are identified and other specific dates to be determined)



REGION C	
SOUTHEASTERN MASSACHUSETTS	
ESTIMATED CATEGORY 1 (Resort-Casino) TIMELINE	
<small>LAST UPDATED: 7/2/2014</small>	
ESTIMATED DATE(S)	ACTION
December 1, 2014	Category 1 RFA-1 Application Deadline
March 27, 2015	Category 1 RFA-2 Application Deadline
TBD	Deadline for Surrounding Community/Impacted Live Entertainment ("ILEV") Petitions to be submitted to MGC Deadline for Letters of Assent by Surrounding Communities Designated in an Application to be filed with MGC
TBD	Applicant 90 minute presentations on Category 1 Applications
TBD	Applicants may provide a response to Surrounding Community/ILEV Petitions to MGC
TBD	Presentations by Surrounding Community Petitioners/ILEV Petitioners and Applicants on petitions for designation
TBD	Decisions by Commission on Surrounding Community/ILEV Petitions Written designation of Surrounding Communities/ILEV that have assented to designations made in Category 1 Application
TBD	Beginning of 30-day statutory negotiation period
TBD	Public input hearing in Surrounding Community regarding resort-casino proposal
TBD	End of 30-day statutory negotiation period between Applicants and Surrounding Communities/ILEVs
TBD	Beginning of Binding Surrounding Community/ILEV Arbitration Process
TBD	The parties must file with the Commission a notice of intent to commence arbitration.
TBD	Deadline for Selection of Arbitrator. If the parties cannot mutually select a single arbitrator, each party shall select one neutral, independent arbitrator who shall then mutually choose a third neutral, independent arbitrator. In the event that a third neutral, independent arbitrator is not selected, the Commission or its designee shall select the third neutral, independent arbitrator. Deadline for Best and Final Offer. Each party submits its best and final offer for a Surrounding Community Agreement/ILEV Agreement to the arbitrator and to the other party.
TBD	Arbitrations. The arbitrator(s) conducts any necessary proceedings.
TBD	Host Community meetings
TBD	Deadline for petitions that a term or terms of a best and final offer are fundamentally inconsistent with a provision or the purposes of G.L. c. 23K ("Fundamental Inconsistency Petitions")
TBD	Deadline for Arbitration report to be filed with Commission. The arbitrator(s) files with the Commission, and issue to the parties, a report specifying the terms of the Surrounding Community Agreement between the applicant and the community.
TBD	Deadline for Commission to hold a hearing on any party's Fundamental Inconsistency Petition
TBD	5 days after anticipated date of any Commission determination on Fundamental Inconsistency Petitions. Either the parties sign a Surrounding Community Agreement and file it with the Commission, or the arbitrator's report, as modified by the Commission after a Fundamental Inconsistency Petition, shall be deemed to be the Surrounding Community Agreement between the parties.
TBD	Conclude Host Community Hearing
August 2015	AWARD OF CATEGORY 1 REGION C LICENSE

205 CMR: MASSACHUSETTS GAMING COMMISSION
205 CMR 122.00: CAPITAL INVESTMENT

122.03: Costs Included in the Calculation of Capital Investment

For purposes of calculating the capital investment for a category 1 or category 2 gaming license, the following costs shall be included:

(11) (For Region C applicants) Carried interest costs and other associated financing costs.

122.04: Costs Excluded from the Calculation of Capital Investment

For purposes of calculating the capital investment for a category 1 or category 2 gaming license, the following costs may not be included:

(2) (For Region A and B applicants) Carried interest costs and other associated financing costs.

Arthur P. Kreiger

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Phone: 617-621-6540

Arthur P. Kreiger, Partner

Art Kreiger has more than 30 years of experience as an advocate, counselor and mediator. He is one of the leading Environmental and Land Use attorneys in Massachusetts, repeatedly recognized as a leader in his field by *The Best Lawyers in America*, *Super Lawyers*, *Who's Who Legal* and *Chambers USA - America's Leading Lawyers for Business*.

Art has successfully represented real estate developers, municipalities, businesses and citizens groups in a broad mix of zoning, land use and environmental matters. He has recovered millions of dollars from parties responsible for oil and hazardous material contamination and successfully defended many clients against such claims.

In addition, he has obtained tens of millions of dollars of insurance funds in environmental matters. He has successfully litigated and settled many high-stakes zoning disputes involving a wide range of projects, including big box retailers, educational institutions, industrial facilities, subdivisions and affordable housing. He also has 20 years of experience mediating environmental and land use disputes.

Recent Accomplishments

- Retained by the Town of Duxbury, MA to handle complex pending litigation and subsequently appointed interim Town Counsel.
- Successfully defended challenges to a unique mixed-use real estate project involving a historic Cambridge church.
- Defeated an appeal of an innovative residential/medical facility for the homeless in Jamaica Plain, successfully arguing that a single building even in a vibrant neighborhood can be eligible for urban renewal under Mass. General Laws Chapters 121A and 121B.

Environmental, Zoning and Land Use Representation

In these areas of expertise, Art:

- Represents public and private clients in federal and state superfund litigation, mediation and negotiations;
- Advises clients on environmental issues in real estate transactions, for industrial and commercial facilities;
- Defends industrial and commercial clients in DEP enforcement proceedings;
- Represents local boards of health, operators and residents in solid waste facility proceedings;

- Litigates and negotiates high stakes zoning disputes involving all types of projects, including big box retail, commercial projects, religious and educational institutions, agricultural uses, industrial projects, subdivisions and affordable housing;
- Testifies in state and federal court as an expert witness in contamination and environmental insurance cases;

As part of his experience, Art has:

- Served as a court-appointed Master in a municipal sewerage dispute, a Hearing Officer in local landfill site assignment hearings, and a Hearing Officer in an affordable housing appeal at the Housing Appeals Committee;
- Recovered millions of dollars of response costs and damages from parties responsible for oil and hazardous material contamination, and successfully defending many clients against such claims;
- Obtained tens of millions of dollars in insurance defense and indemnity funds for public and private sector clients under general liability, environmental and nuclear policies including the Dedham-Westwood Water District and a Fortune 100 manufacturing company; and
- *Handled Martignetti v. Haigh-Farr, Inc.* one of the leading hazardous waste cases in Massachusetts.

Other Professional Activity

Art has also:

- Served as Co-Chairman of the Boston Bar Association's Environmental Law Section and as a member of the Section's Steering Committee for 15 years;
- Served as Co-Chair of the Real Estate Bar Association for Massachusetts' Environmental Committee;
- Served as a member of the Belmont Zoning Board of Appeals; and
- Published many continuing legal education articles and presenting on many panels on environmental, insurance and land use law



AMENDED SMALL BUSINESS IMPACT STATEMENT

The Massachusetts Gaming Commission (“Commission”) hereby files this amended small business impact statement in accordance with G.L. c.30A, §5 relative to the proposed regulations in 205 CMR 135: Construction Monitoring regulations, for which a public hearing was conducted on June 17, 2014. These proposals were developed as part of the Commission’s overall regulation promulgation process and are largely designed to govern the oversight and monitoring of the construction of the gaming establishments.

These regulations apply solely to the recipients of a gaming license and the gaming vendors they contract with to construct the gaming establishments. No small businesses are subject to these regulations. Accordingly, based on the principal subject matter of the regulations, there are no less stringent schedules or deadlines for compliance or reporting requirements for small businesses, consolidated or simplified compliance or reporting requirements for small businesses, performance standards for small businesses to replace design or operational standards required in the proposed regulations, or alternative regulatory methods to minimize adverse impacts on small businesses.

As discussed above, G.L. c.23K was enacted to create new industry in the Commonwealth and to promote local small business and the tourism industry, including the development of new and existing small businesses such as lodging, dining, retail and cultural social facilities. The proposed regulations are designed to effectuate those intentions and to encourage the formation of new businesses in the Commonwealth.



Massachusetts Gaming Commission

205 CMR: MASSACHUSETTS GAMING COMMISSION

205 CMR 135.00: MONITORING OF PROJECT CONSTRUCTION AND LICENSEE REQUIREMENTS

Section

135.01: Definitions

135.02: Project Schedules and Reporting

135.03: Inspection of Project and Related Records

135.04: Certification of Final Stage of Construction: Category 1 Gaming Establishments

135.05: Determination that Gaming Establishment May Open for Business

135.01: Definitions

(1) **Minority Business Enterprise: (MBE)** a minority owned business that has been certified by either the Massachusetts Supplier Diversity Office, the Greater New England Minority Supplier Development Council, or both.

(2) **Women’s Business Enterprise: (WBE)** a women-owned business that has been certified by either the Massachusetts Supplier Diversity Office, the Women’s Business Enterprise National Council or both.

(3) **Veteran’s Business Enterprise: (VBE)** A Veteran Owned business shall have the same meaning as the term “small business concern owned and controlled by veteran(s) as defined by the US Dept. of Veterans Affairs (38 CFR 74), whose status can be verified by Vendor Information Pages Verification Program located at www.VetBiz.gov or the successor vendor information and verification system established by or in contract with the federal government or by the Licensing Division of the MA Gaming Commission. The definition is inclusive of the **Service-disabled veteran-owned business** as defined in 15 USC §632.

(4) **Small Business:** A Small Business shall be defined as an entity, including all of its affiliates combined that,

- (a) Has its principal place of business in Massachusetts;
- (b) Employs a combined total at all locations of 50 or fewer full-time employees;
- (c) Has been in business at least one year; and
- (d) Has gross revenues of \$15 million or less based on a three year average, and meets all legal obligations for tax status and required registration in the Commonwealth.

(5) **Project:** The gaming establishment as approved by the commission and defined in the gaming license awarded by the commission. For purposes of this 205 CMR 135, Project may also include such off site infrastructure necessary for the operation of the gaming establishment as required by the commission.

135.02: Project Schedules and Reporting

- (1) The commission may create guidelines under this 205 CMR 135 to aid the commission in its review and monitoring of the project. Such guidelines will be shared with the licensee and may be amended as necessary by the commission.
- (2) The commission shall, in accordance with M.G.L. c. 23K, §§ 10 and 11 approve for each gaming licensee, a project schedule for the gaming licensee's capital investment in its gaming establishment and related infrastructure which includes:
- (a) all major stages of design and construction; including all permitting and approvals, design deliverables, site preparation, foundation, structure, plumbing, electrical, mechanical, exterior finish and fenestration, long lead items, insulation, interior finish and furnishings and landscaping, building commissioning and commissioning of gaming equipment and information technology systems.
 - (b) For a category 1 gaming establishment, a timeline for commencement of the final stage of construction pursuant to M.G.L. c. 23K, § 10(a); and
 - (c) a timeline for the stage of construction at which the gaming licensee shall be approved to open for business or operate a slot machine pursuant to M.G.L. c. 23K, §§ 10(c) and 11(a).
- (3) Within the time frame provided in the award of the gaming license, the licensee shall provide to the commission for commission approval an affirmative action program of equal opportunity whereby the licensee establishes specific goals for the utilization of minorities, women and veterans on construction jobs and for contracting with minority, women or veteran owned businesses during either design or construction; provided, however that such goals shall be equal to or greater than the goals contained in executive office of administration and finance administration Bulletin Number 14.
- (4) If unforeseen and/or changed circumstances necessitate a change to a project schedule approved pursuant to 205 CMR 135.02(2) which will impact the completion date or requires a major change in the method or progress of construction, the gaming licensee may submit to the commission for its approval a revised project schedule, with a detailed statement of the unforeseen changed circumstances which justify the revised project schedule. If the commission approves such revised project schedule, it shall substitute and supersede the previously approved project schedule.
- (5) To ensure adherence to the project schedule approved pursuant to 205 CMR 135.02(2) or (4), the gaming licensee shall submit to the commission in a media, format and level of detail acceptable to the commission, quarterly a status report including:
- (a) the total estimated cost of construction of the project and related infrastructure improvements, including a sworn certification regarding costs incurred pursuant

to 205 CMR 122.03: Costs Included in the Calculation of Capital Investment, and separately identifying detailed costs for design, land acquisition, site preparation and construction and off-site improvements;

(b) a sworn certification regarding the capitalization of the gaming licensee, sufficient for the commission to determine, pursuant to M.G.L. c. 23K, §§ 10(e) or 11(c), that the gaming licensee has adequate funds to complete the gaming establishment and related infrastructure improvements;

(c) a copy of all design and construction contracts executed within the prior quarter by the gaming licensee to design and construct the gaming establishment and related infrastructure improvements;

(d) a status report reflecting the progress of construction and certifying compliance with the approved project schedule for major stages of construction. In the event that the progress of construction does not comply with the project schedule approved pursuant to 205 CMR 135.02, the licensee shall submit a detailed plan to bring the progress of construction into compliance with the approved project schedule or submit a request for a revised project schedule pursuant to 205 CMR 135.02(4); and

(e) a detailed statistical report pursuant to M.G.L. c. 23K, § 21(a) (23) on the number, gender and race, and veteran status of individuals by job classifications hired to perform labor as part of the construction of the gaming establishment and related infrastructure, and a comparison of this report with the goals established by the gaming licensee and commission pursuant to M.G.L. c. 23K, § 21(a) (22). In the event the hiring of the aforementioned persons does not comply with the goals established, the licensee shall submit within 20 days of a request by the commission a response as to why the goals have not been achieved, identify any good faith efforts that have been undertaken to achieve those goals and provide a plan to bring the hiring into compliance with the goals.

(f) a report describing the number of contracts, total dollar amounts contracted with and actually paid to minority business enterprises, women business enterprises and veteran business enterprises for design and construction of the gaming establishment and related infrastructure, and the total number and value of all subcontracts awarded to a minority, women and veteran owned business, and a comparison of these reports with the goals established by the gaming licensee and commission pursuant to M.G.L. c. 23K, § 21(a)(21). In the event the licensee's hiring of the aforementioned entities does not comply with the goals established the licensee shall submit within 20 days of a request by the commission a response as to why the goals have not been achieved, identify any good faith efforts that have been undertaken to achieve those goals and provide a plan to bring the the dollar amount contracted and spent into compliance with the goals.

(6) The licensee shall have a continuing obligation, pursuant to 205 CMR 120.01 (2) to timely provide to the commission an updated permits chart and all documents and information listed in 205 CMR 120.01, as well as any updates to the MEPA process such that the commission is continuously apprised of all material developments with respect to all permits and approvals required for the gaming establishment. Pursuant to 205 CMR 120.01 (h) the licensee shall provide to the commission copies of any appeal within 20 days of filing, whether to a municipal or state entity or for judicial review, filed with respect to any permit of approval listed in 205 CMR 120.01(1) along with a copy of the docket sheet and each decision on any appeal.

(7) In furtherance of specific goals for the utilization of minorities, women and veterans on construction jobs, the licensee shall send and provide a copy to the commission, to each labor union or representative of workers with which the licensee has a collective bargaining agreement or other contract or understanding, a notice advising the labor union or workers representative of the licensee's commitments pursuant to M.G.L. c. 23K § (15) and §§21 a (21) and (22).

(8) Prior to the gaming establishment opening for business, in furtherance of specific goals for the utilization of minority business enterprises, women business enterprises and veteran business enterprises as vendors in the provision of goods and services to the gaming establishment, the licensee shall provide to the commission an affirmative marketing plan in which the licensee identifies specific goals, expressed as an overall program goal applicable to the total dollar value of contracts entered into, for the utilization of minority business enterprises, women business enterprises and veteran business enterprises to participate as vendors in the provision of goods and services procured by the gaming establishment and any businesses operated as part of the gaming establishment; provided, however, that the specific goals for the utilization of such minority business enterprises, women business enterprises and veteran business enterprises shall be based on the availability of such minority business enterprises, women business enterprises and veteran business enterprises engaged in the type of work to be contracted by the gaming licensee.

135.03: Design Review Process

(1) The commission or its representative may participate in the design review process for the design of the project. This process may run in parallel to the local, state and federal review process and may include all elements of the project, including but not limited to the gaming establishment and any amenities approved by the commission, whether constructed together or in phases, as well as any off-site improvements. The commission may participate in the following key milestones of the design review process:

- (a) development of initial concept;
- (b) development of the schematic design;
- (c) completion of the final site plan and architectural design; and
- (d) development of the construction design package.

- (2) As part of the development of the initial concept, the commission may request a narrative describing the project and stipulating the basis for the design. The narrative should include a pictorial representation of the project design concept and a narrative description of the project.
- (3) When the licensee has completed the schematic design phase, the commission may request that the licensee submit the schematic design to the commission or its representative for review. Such schematic design may include descriptions of the external façade of any structures that are part of the project, all the major systems, a floor plan and any off site infrastructure improvements planned by licensee. The commission or its representative may request, where available, examples of materials to be used in the building façade.
- (4) The commission or its representative may request for review and approval the final site plan and architectural design package. Such final design package shall be in the form ready for licensee's use in creating construction bid packages. Where available, the commission or its representative may request examples of materials to be used on the exterior or in the interior of the project as well as examples of the furniture and fixtures to be used in the project.
- (5) The commission's representative may request construction packages for review prior to putting such construction packages out for bid.

135.04: Inspection of Construction and Related Records

- (1) At all times the commission or its representative may physically inspect the progress of construction, subject to reasonable construction site safety rules, to determine the gaming licensee's compliance with the approved design, project schedule, the terms and conditions of the license, G.L. c. 23K, or 205 CMR.
- (2) The commission may request or have access to, at any time, plans, specifications, submittals, contracts, financing documents or other records concerning the construction of the project or related infrastructure. The licensee shall provide the requested materials to the commission or its representative within ten days of the commission's request for such documents.
- (3) Following an inspection of construction pursuant to 205 CMR 135.04(1) or review of records pursuant to 205 CMR 135.04(2), the commission or its representative may notify the gaming licensee of any non-compliance with the terms of the license, including non-compliance with an approved design or project schedule pursuant to 205 CMR 135.02(2) or (4). Upon receipt of such notification, the gaming licensee shall present a plan to the commission to address such non-compliance to the satisfaction of the commission.

135.05: Certification of Final Stage of Construction: Category 1 Gaming Establishments

- (1) Pursuant to G.L. c. 23K, § 10(a), the gaming licensee shall certify to the commission that it has reached the final stage of construction as described in the approved project schedule pursuant to 205 CMR 135.02(2), or an approved revised project schedule pursuant to 205 CMR 135.02(4).
- (2) Upon receipt of such certification, the commission or its representative may inspect the construction pursuant to 205 CMR 135.04(1), and request relevant plans, contracts, financing documents or additional records pursuant to 205 CMR 135.04(2).
- (3) If the commission approves the gaming licensee's certification pursuant to 205 CMR 135.05(1) that the gaming licensee has reached the final stage of construction, it shall return to the gaming licensee the deposit or release the deposit bond described in M.G.L. c. 23K, § 10(a), and permit the gaming licensee to apply the deposit to the cost of the final stage of construction.
- (4) If the commission disapproves the gaming licensee's certification pursuant to 205 CMR 135.05(1), the commission will notify the gaming licensee of the reasons for such disapproval, and the gaming licensee shall proceed diligently to cure the reasons for the disapproval.

135.06 Determination that Gaming Establishment May Open for Business

- (1) The commission may not approve a category 2 gaming establishment to open for business, begin gaming operations or operate a slot machine at a gaming establishment until the commission has:
 - (a) determined that the gaming licensee has complied with the conditions in 205 CMR 135.00
 - (b) had an adequate opportunity to physically inspect the completed gaming establishment and related infrastructure, as well as relevant plans, contracts, or other records, to determine that the completed gaming establishment and related infrastructure comply with:
 1. the terms of the license;
 2. G.L. c. 23K, and 205 CMR;
 3. host and surrounding community agreements pursuant to G.L. c. 23K, §§ 15 and 17;
 4. impacted live entertainment venue agreements pursuant to G.L. c. 23K, § 17; and
 5. certificates of occupancy permits and approvals issued in connection with the gaming establishment.
 - (c) issued an operations certificate for the gaming establishment pursuant to G.L. c. 23K, § 25.

(2) Pursuant to M.G.L. c. 23K, § 10(c), the commission shall not make a determination that a category 1 gaming establishment is approved to open for business until the commission has:

(a) determined that the gaming licensee has complied with the conditions in 205 CMR 135.00;

(b) determined that the gaming licensee has completed the permanent gaming area and other ancillary entertainment services and non-gaming amenities;

(c) determined that the gaming licensee has completed all infrastructure improvements on and off site and around the vicinity of the gaming establishment, including projects to account for traffic mitigation required by the gaming license or any other approval obtained by the gaming licensee in connection with the gaming establishment.

(d) had an adequate opportunity to physically inspect or have the commission's representative inspect the completed gaming establishment and related infrastructure, as well as relevant plans, contracts, or other records, to determine that the completed gaming establishment and related infrastructure comply with:

1. the terms of the license;
2. G.L. c. 23K, and 205 CMR;
3. host and surrounding community agreements pursuant to G.L. c. 23K, §§ 15 and 17;
4. impacted live entertainment venue agreements pursuant to G.L. c. 23K, § 17; and
5. certificates of occupancy permits and approvals issued in connection with the gaming establishment.

(e) issued an operations certificate for the gaming establishment pursuant to G.L. c. 23K, § 25.

(3) Pursuant to G.L. c. 23K, § 10(b), a category 1 gaming licensee who fails to receive approval from the commission to open its gaming establishment for business within one year after the date specified in its approved project schedule pursuant to 205 CMR 135.02(2) or its revised, approved design and project schedule pursuant to 205 CMR 135.02(4) shall be subject to suspension or revocation of its gaming license by the commission and may, if the commission determines that the gaming licensee acted in bad faith in its application, be assessed a fine of \$50,000,000 or less.

(4) The commission may find that a category 1 or category 2 gaming licensee who fails to comply with an approved design or construction project schedule pursuant to 205 CMR 135.02(2) or (4):

(a) has breached a condition of licensure pursuant to G.L. c. 23K, § 23(b) (iii);

(b) is no longer capable of maintaining operations at a gaming establishment pursuant to G.L. c. 23K, § 23(b) (v);

(c) or is maintaining a business practice that is injurious to the policy objectives of G.L. c. 23K pursuant to G.L. c. 23K, § 23(b) (vi).

(5) The commission may condition, suspend or revoke a gaming license upon making a finding pursuant to 205 CMR 135.05(4), 205 CMR 135.06 (3) or (4) or G.L. c. 23K, § 23(b).

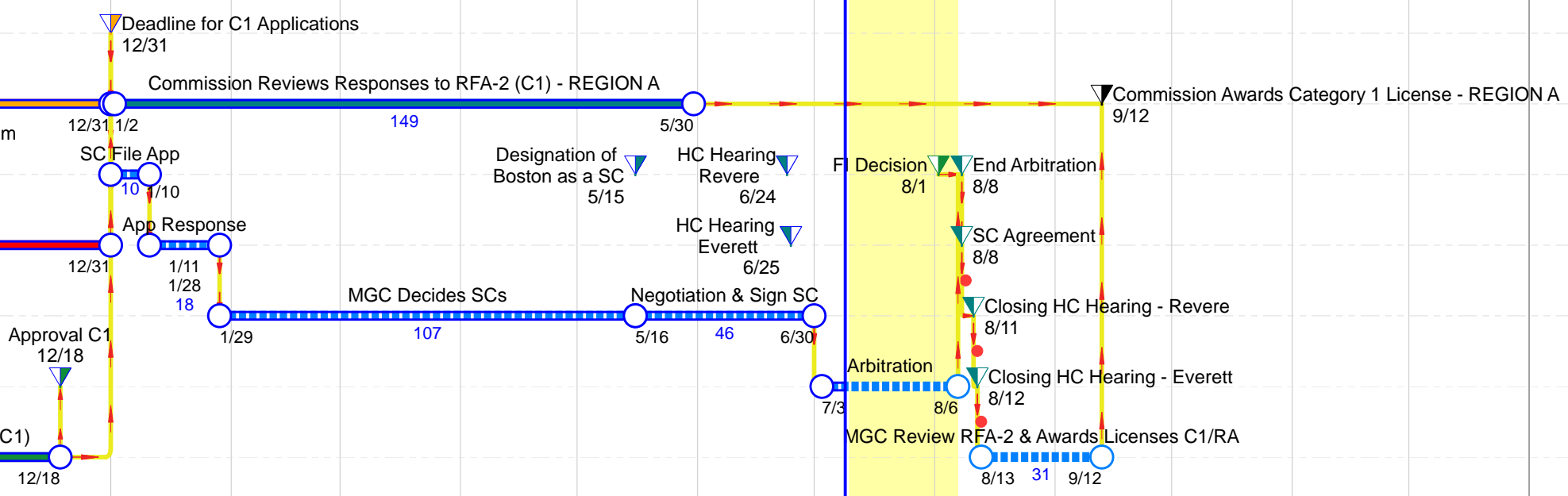
REGULATORY AUTHORITY

205 CMR 135: M.G.L. c. 23K, §§ 4, 5 10, 11, 15, 17, 18, 21, 23, and 25.

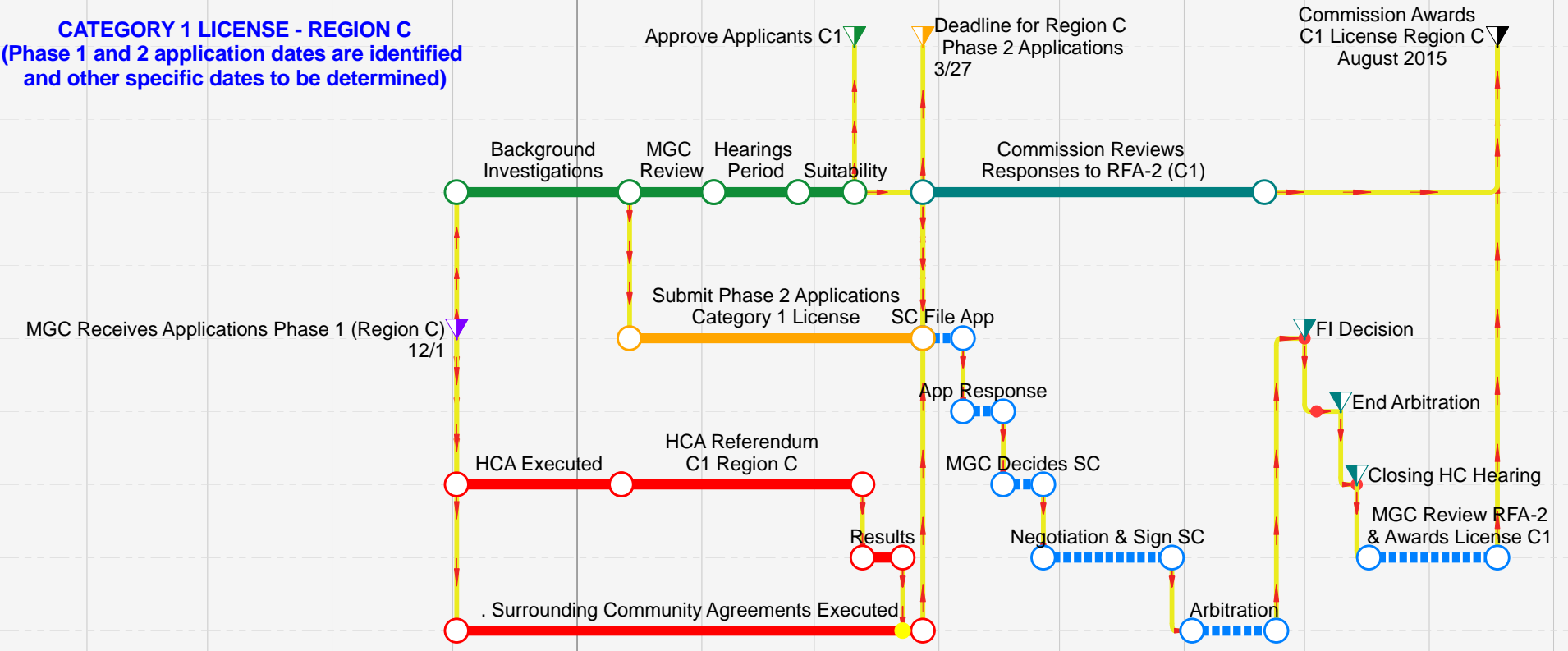
Massachusetts Gaming Commission / 2014-07-08 Licensing Schedule Update

Data Date
07/08/2014

CATEGORY 1 LICENSE - REGION A



CATEGORY 1 LICENSE - REGION C (Phase 1 and 2 application dates are identified and other specific dates to be determined)



REGION A EASTERN MASSACHUSETTS	
ESTIMATED CATEGORY 1 (Resort-Casino) TIMELINE This Schedule <u>Not Applicable</u> to the City of Boston	
LAST UPDATED: 7/2/2014	
ESTIMATED DATE(S)	ACTION
December 31, 2013	Category 1 Application Deadline
January 13, 2014	Deadline for Surrounding Community/Impacted Live Entertainment ("ILEV") Petitions to be submitted to MGC Deadline for Letters of Assent by Surrounding Communities Designated in an Application to be filed with MGC
January 22	Applicant 90 minute presentations on Category 1 Applications
January 23	Applicants may provide a response to Surrounding Community/ILEV Petitions to MGC
January 28-29	Presentations by Surrounding Community Petitioners/ILEV Petitioners and Applicants on petitions for designation
March 20 (first meeting after decision)	Decisions by Commission on Surrounding Community Petitions Written designation of Surrounding Communities that have assented to designations made in Category 1 Application
March 21	Beginning of 30-day statutory negotiation period
March 25	Public input hearing in Surrounding Community (Boston) regarding Revere resort-casino proposal
March 26	Public input hearing in Surrounding Community (Boston) regarding Everett resort-casino proposal
April 22	End of 30-day statutory negotiation period between Applicants and Surrounding Communities
April 23	Beginning of Binding Surrounding Community Arbitration Process
Before selecting an arbitrator	The parties must file with the Commission a notice of intent to commence arbitration
April 29	Deadline for Selection of Arbitrator. If the parties cannot mutually select a single arbitrator, each party shall select one neutral, independent arbitrator who shall then mutually choose a third neutral, independent arbitrator. In the event that a third neutral, independent arbitrator is not selected, the Commission or its designee shall select the third neutral, independent arbitrator. Deadline for Best and Final Offer. Each party submits its best and final offer for a Surrounding Community Agreement to the arbitrator and to the other party. These beginning dates may also be extended 14 days under the Commission's allowance of a flexible 14 calendar days.
May 6	Deadline for petitions that a term or terms of a best and final offer are fundamentally inconsistent with a provision or with the purposes of G.L. c. 23K ("Fundamental Inconsistency Petitions") These beginning dates may also be extended 14 days under the Commission's allowance of a flexible 14 calendar days.
April 29 - June 2*	Arbitrations. The arbitrator(s) conduct(s) any necessary proceedings.
June 2*	Deadline for Arbitration report to be filed with Commission. The arbitrator(s) files with the Commission, and issue to the parties, a report specifying the terms of the Surrounding Community Agreement between the applicant and the community.
May 19 if none of 14 days are used	
June 5*	Deadline for Commission to hold a hearing on any party's Fundamental Inconsistency Petition
May 22 if none of 14 days are used	
June 9*	If no Fundamental Inconsistency Petitions are filed, end of Surrounding Community Arbitrations. Either the parties sign a Surrounding Community Agreement and file it with the Commission, or the arbitrator's report shall be deemed to be the Surrounding Community Agreement between the parties.
May 27 if none if 14 days are used	
June 12*	5 days after anticipated date of any Commission determination on Fundamental Inconsistency Petitions. Either the parties sign a Surrounding Community Agreement and file it with the Commission, or the arbitrator's report, as modified by the Commission after a Fundamental Inconsistency Petition, shall be deemed to be the Surrounding Community Agreement between the parties.
May 30 if none of 14 days are used	
June 24	Host Community Hearing in Revere
June 25	Host Community Hearing in Everett
TBD	Conclude Host Community Hearings in Revere and Everett
September 12*	AWARD OF CATEGORY 1 REGION A LICENSE
August 29 if none of 14 days are used	

*Assumes full use of the Commission's 14 flexible calendar days.

REGION A EASTERN MASSACHUSETTS	
ESTIMATED CATEGORY 1 (Resort-Casino) TIMELINE <i>This Schedule Applies Only to the City of Boston</i>	
LAST UPDATED: 7/2/2014	
ESTIMATED DATE(S)	ACTION
December 31, 2013	Category 1 Application Deadline
January 13, 2014	Deadline for Surrounding Community/Impacted Live Entertainment ("ILEV") Petitions to be submitted to MGC Deadline for Letters of Assent by Surrounding Communities Designated in an Application to be filed with MGC
January 22	Applicant 90 minute presentations on Category 1 Applications
January 23	Applicants may provide a response to Surrounding Community/ILEV Petitions to MGC
January 28-29	Presentations by Surrounding Community Petitioners/ILEV Petitioners and Applicants on petitions for designation
May 8	Decisions by Commission on Boston's Host Community / Surrounding Community status
May 15	Commission issues written designation of Boston as a Surrounding Community
May 16	Beginning of 30-day statutory negotiation period
June 16	End of 30-day statutory negotiation period between Applicants and City of Boston
June 17	Beginning of Binding Surrounding Community Arbitration Process
Before selecting an arbitrator	The parties must file with the Commission a notice of intent to commence arbitration
June 24	Host Community Hearing in Revere
June 25	Host Community Hearing in Everett
July 10	Deadline for Selection of Arbitrator. If the parties cannot mutually select a single arbitrator, each party shall select one neutral, independent arbitrator who shall then mutually choose a third neutral, independent arbitrator. In the event that a third neutral, independent arbitrator is not selected, the Commission or its designee shall select the third neutral, independent arbitrator. Deadline for Best and Final Offer. Each party submits its best and final offer for a Surrounding Community Agreement to the arbitrator and to the other party.
July 11-30	Arbitration between City of Boston and Region A Applicants
July 17	Deadline for petitions that a term or terms of a best and final offer are fundamentally inconsistent with a provision or with the purposes of G.L. c. 23K ("Fundamental Inconsistency Petitions")
July 30	Deadline for Arbitration report to be filed with Commission. The arbitrator(s) files with the Commission, and issue to the parties, a report specifying the terms of the Surrounding Community Agreement between the applicant and the City of Boston.
August 1	Anticipated date for Commission to hold a hearing on any party's Fundamental Inconsistency Petition
August 6	If no Fundamental Inconsistency Petitions are filed, end of Surrounding Community Arbitrations. Either the parties sign a Surrounding Community Agreement and file it with the Commission, or the arbitrator's report shall be deemed to be the Surrounding Community Agreement between the parties.
August 8	5 days after anticipated date of any Commission determination on Fundamental Inconsistency Petitions. Either the parties sign a Surrounding Community Agreement and file it with the Commission, or the arbitrator's report, as modified by the Commission after a Fundamental Inconsistency Petition, shall be deemed to be the Surrounding Community Agreement between the parties.
August 11	Conclude Host Community Hearing in Revere
August 12	Conclude Host Community Hearing in Everett
September 12	AWARD OF CATEGORY 1 REGION A LICENSE

*This does not reflect the use of any remaining flex 14 days.