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October 10, 2006

VIA HAND DELIVERY

Paul Resch, Secretary
Pennsylvania Gaming Control Board
P.O. Box 69060
Harrisburg, PA 17106-9060
Attn: Public Comment on Regulation #125-47

Re: Comments to Permanent Regulations
Under Title 58 of the PA Code, Chapter 481

Dear Mr. Resch:

On behalf Downs Racing, L.P. and its parent company, the Mohegan Tribal Gaming Authority, we are filing the original and three (3) copies of the enclosed Comments to permanent regulations under title 58 of the Pa. Code, Chapter 481.

Please direct any questions or comments to me.

Sincerely,



Dino A. Ross

For WOLF, BLOCK, SCHORR and SOLIS-COHEN LLP

DAR/dsc
Enclosures

HAR:68817.1/MOH005-222463

REGULATION COMMENT FORM

Please complete all of the fields below before printing:

DATE	10/09/06	ADDRESS 1	213 Market Street
SECTION # OR SUBJECT	Proposed Chapter 481	ADDRESS 2	9th Floor
FIRST NAME	Dino	CITY	Harrisburg
LAST NAME	Ross	STATE	PA
ORGANIZATION NAME	Wolf, Block, Schorr and Solis-Cohen LLP	ZIP CODE	17101
EMAIL ADDRESS	dross@wolfblock.com	COUNTY	Dauphin
		TELEPHONE	717-237-7191

COMMENTS

See attached comments submitted on behalf of Downs Racing, L.P. and its parent company, the Mohegan Tribal Gaming Authority.

Comments may be submitted to the Board by U.S. Mail at the following address:

Pennsylvania Gaming Control Board
P.O. Box 69060
Harrisburg, PA 17106-9060
Attn: Public Comment

**BEFORE THE
PENNSYLVANIA GAMING CONTROL BOARD**

In re: Promulgation of Permanent
Regulations Under Title 58 of the
Pennsylvania Code, Chapter 481

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**COMMENTS TO PERMANENT
REGULATIONS OF DOWNS RACING AND MTGA**

Downs Racing, L.P. ("Downs Racing") and its parent company, the Mohegan Tribal Gaming Authority ("MTGA"),¹ respectfully submit these comments to the Pennsylvania Gaming Control Board ("Board") in regard to its publication of the permanent Chapter 481 regulations on September 9, 2006. These regulations are intended to implement the provisions of the Pennsylvania Race Horse Development and Gaming Act (the "Act"), 4 Pa. C.S. §1101 et seq., and address diversity requirements.

I. Introduction

Downs Racing appreciates the opportunity to submit these comments to the Board and participate in the process of creating rules and regulations under which Pennsylvania's future licensed gaming entities will operate. Chapter 481 of the proposed regulations governs diversity and sets forth certain requirements that each entity that is either licensed or certified by the Board must follow.

MTGA is committed to diversity and ensuring participation by women and minorities at all levels of casino operations including employment and contracting. MTGA and Downs Racing's comments to the proposed regulations stem from and reflect that commitment and are

¹ MTGA also owns and operates the Mohegan Sun Casino in Uncasville, Connecticut.

offered in the hope that the Board will consider the modifications detailed herein with the understanding that they reflect the extensive experience of MTGA in the gaming industry.

II. Specific Comments

Section 481.5 (ii)

Section 481.5 requires "as part of an application to renew a license or certification" for an entity to file a report with the Board on the performance of its diversity plan which includes, under section 481.5(ii) salary information.

While MGTA understands the importance of requiring licensed and certified entities to submit salary information in order for the Board to adequately monitor progress and compliance with the Act's diversity requirements and initiatives, MTGA believes that the final permanent regulations should allow the classification of such salary information by the licensed and certified entities as confidential.

Salary information is proprietary and in order to remain competitive in the marketplace, MTGA believes that such proprietary information should not be made readily available to the public.

In the event that the Board determines that such information should remain available to the public, MTGA requests that the proposed permanent regulations be modified to specifically indicate that such information will not be classified as confidential.

Sections 481.5 (iv)(6) and (7)

Section 481.5 requires "as part of an application to renew a license or certification" for an entity to file a report with the Board on the performance of its diversity plan which includes, under section 481.5(iv) (6) and (7) information relating to the number and value of subcontracts awarded to MBE's and WBE's under contracts containing a participation plan as well as a list of each subcontract.

Under this provision, the Board has placed the burden on the licensee to monitor and maintain data not only pertaining to the contractors and vendors it directly does business with but also any subcontractors doing business with these contractors and vendors. MTGA believes that such a burden will be difficult for licensees to manage or control given the lack of privity of contract between the licensee and subcontractors.

In most instances, the prime contractors involved in such situations will be certified by the Board and subject to the Act's diversity requirements including the requirements proposed under 481.5. Thus, the Board will already receive such information regarding subcontractors directly from the entities that are in the best position to provide accurate information and data regarding MBE and WBE participation.

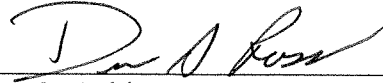
Alternatively, for contractors who are not certified by the Board and therefore not subject to the requirements of 481.5, MTGA recommends modifying the regulations to require the licensee to provide the Board with a list of contractor's utilized by the licensee, and placing the burden on the individual contractors for submitting the required information directly to the Board. This will reduce the administrative burden on the licensees, and place it instead on the entities working directly with the subcontractors who are in the best position to supply accurate and timely data.

III. Conclusion

MTGA and Downs Racing commends the Board on all of its work in establishing gaming in Pennsylvania, and its effort to increase diversity in all aspects of gaming in Pennsylvania. MTGA and Downs Racing appreciates the opportunity to share the perspective of a gaming operator and its experience in casino operations.

Wherefore, MTGA and Downs Racing respectfully request that the Pennsylvania Gaming Control Board include the clarifications discussed above in its final Chapter 481 regulations.

Respectfully submitted:



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