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May 21, 2010

VIA HAND DELIVERY

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

Re: Supplemental Comments to Temporary Table Game Rulemaking No. 125-116

Dear Mr. Sandusky:

The United States Playing Card Company (“USPC”), a conditional manufacturer licensee of table game devices with a principal place of business located at 300 Gap Way, Erlanger, Kentucky, respectfully submits these Supplemental Comments in response to the Pennsylvania Gaming Control Board’s (“PGCB” or the “Board”) temporary table game rulemaking number 125-116 (the “Rulemaking”). On May 14, 2010, USPC submitted initial comments to the Rulemaking in which it applauded the PGCB for its decision to follow the clear regulatory trend and allow the use of generic cards for the game of Poker (i.e., cards that do not feature a facility’s name or logo on the card backing). Unfortunately, USPC has learned, since those initial comments, that the Board in fact is not permitting the use of generic cards for Poker.

Exacerbating this interpretation of the Rulemaking is the requirement that the custom Poker cards used by operators also have six different card backings (whether differentiated by logo, color or design pattern). With one exception, literally no gaming jurisdiction in North America requires both custom cards and six different backings for the game of Poker. Ideally, as noted in USPC’s initial comments, the PGCB would permit the use of generic cards for Poker and reduce the number of required different card backings. At the very least, for the reasons set forth herein and in its initial comments, USPC urges the Board to reverse this interpretation of the Rulemaking and either: (a) permit generic cards for the game of Poker and keep the six different backing rule; or (b) proceed with a custom card requirement but require only two different card backings.

As drafted, the Rulemaking is open to an interpretation that custom Poker cards are not required. While Section 523.15(f) calls for the backs of cards used by certificate holders to contain their name or logo, subsection (j) appears to set forth a separate and distinct rule specific to cards used for Poker. Under that rule, operators are required to use on a daily basis at least six visually distinguishable card backings for the cards used in Poker games. While the six different

Richard Sandusky
May 21, 2010
Page 2


backings requirement is overly-burdensome, as explained in USPC's initial comments,¹ subsection (j) appeared to partially mitigate that burden by permitting the use of generic Poker cards that were differentiated by six different colors or design patterns. If the PGCB is intent on keeping the six different backing requirement, it should at least adopt this interpretation of the Rulemaking and clarify Section 523.15(j) to expressly note that it is an exception to subsection (f).

Requiring custom Poker cards is burdensome and costly for operators and manufacturers, and ultimately provides no corresponding public benefit. Further, requiring custom cards for Poker is the minority approach among gaming jurisdictions. With Pennsylvania's security and surveillance requirements, table game internal controls and six different backings rule, custom Poker cards offer no additional security benefit. If the PGCB is going to persist in requiring custom cards for the game of Poker despite these facts, the Board should amend Section 523.15(j) to follow the predominate regulatory practice of only requiring two different card backings.

Accordingly, USPC urges the PGCB to amend the Rulemaking both to permit the use of generic cards for the game of Poker and reduce the number of required card backings (to two or four). In the alternative, the Board should clarify and/or amend the Rulemaking to either permit the use of generic cards (while keeping the six backings rule), or reduce the number of required backings to only two different backings (if keeping the custom card requirement).

Thank you for your attention to these Supplemental Comments.

Very truly yours,



Mark S. Stewart

MSS/jls

cc: Stephanie Krummert

¹ USPC noted that in all of the jurisdictions in which it does business in North America, only New Jersey, requires six different card backings. The more common practice is to require only two, and not more than four, different card backings. Requiring six different backings is costly and burdensome for operators and manufacturers and serves no security or public purpose.