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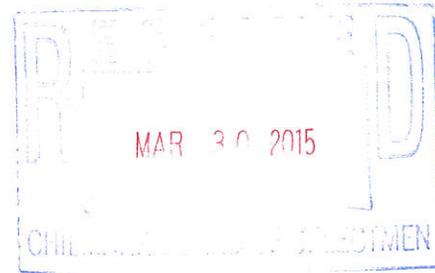
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March 27, 2015

Stephen Crosby, Chair
Gayle Cameron, Commissioner
James F. McHugh, Commissioner
Enrique Zuniga, Commissioner
Bruce Stebbins, Commissioner
Massachusetts Gaming Commission
101 Federal Street, 23rd Floor
Boston, MA 02110



Dear Mr. Chairman and Commissioners:

The purpose of this letter is to address the discussion by Commission members at the March 19, 2015 meeting regarding requests for extension of deadlines for two license applications now pending in Region C. The undersigned are former City Solicitors for the City of New Bedford, covering time periods in the early 1980's (Beauregard) and late 1990's (Leontire); also we are life-long residents of the City of New Bedford and we are keenly aware of circumstances and economic challenges that have faced this area (Southeastern Massachusetts) over the course of the last 30+ years. We maintain law offices in the downtown historic district of the City of New Bedford (Andrew Robeson House). Our respective law practices touch on a multitude of clients and issues directly involved with the economic environment in New Bedford. We do not represent any entity or individual seeking a license from the Commission.

Respectfully, our concern is that much of the discussion regarding whether or not to grant two applicants a 45-day extension reflects a significant misunderstanding of the Commission's statutory obligations in acting on current applications for a casino license in Region C. If the correct statutory criteria are not applied, this area of the state may well experience a "left behind" effect that has unfortunately negatively impacted this area of the state too many times in past years.

The emergency preamble to House Bill No. 3807 provides that the purpose of the Act is to create economic investment and job creation in the Commonwealth. The

Legislature clearly articulated 10 specific guiding principles that underlie the Gaming Legislation. Consistent with the Act's Preamble, Section 1 of the Act emphasizes the Act's purpose: creation of opportunities for the unemployed and encouragement of culturally and socially diverse communities in all sectors of the Commonwealth through a "robust licensing process". (See Attachment A-Excerpts of the Gaming Statute)

Section 18 of the Act lists 19 criteria on which the Commission must make written findings when evaluating a license. The extensive criteria set forth by the Legislature anticipate that a license will be granted to an applicant who qualifies. Attachment A.

We have prepared an abstract of the meeting discussion that indicates that the Commission may be on a course of straying from its statutory mandate. (See Attachment B-Selected sections from the official meeting transcript). Comments by the two members who voted no to the extension are disturbing. The sub-text of their comments is that a Region C license will inevitably be denied and that by voting yes, the Commission was simply prolonging the process. We urge those Commission members to reconsider their position and to keep an open mind on the Region's applications. We ask that the Commission render its decision in a fair and impartial manner without prejudging the merits of the pending applications before making an evaluation under the criteria outlined in the Act.

We believe that the intent of Chapter 194 of the Acts of 2011 (General Laws, Chapter 23K), read as a whole, is to place the three regions of the state (A, B, C) on equal footing with respect to the three casino opportunities created by the statute. Each region should be afforded equal treatment with respect to the criteria set forth in the statute for selection of an applicant. Each region is entitled to strive for the economic benefit envisioned by the statute.

The "competition" provided in the Casino statute is manifestly meant to be "intra-region," not "inter-region." However, some Commissioners' comments at the hearing suggested that the Commission should be looking to the potential effect that a Region C casino license might have on the already granted licenses in Regions A and B; and the impact of a future *potential* license that might or might not be operated by Native American Indian ownership.

We believe differently, that the Commissioners' obligation under the Act is to evaluate, *within each separate region*, which (if any) applicant is best suited to carry on the beneficial economic development within that region.

It would be a clear departure from the intent of the Massachusetts Casino legislation to have one or two of the three listed regions favored over another region, even if the Commissioners' intent is to protect existing granted licenses in Regions A and B (at the expense of Region C).

We believe that the Commission should not reexamine the Legislature's purpose in enacting Chapter 194, with its clearly stated intent that the Commission evaluate the merits and economic viability of the regional applicants' plans and agreements with the respective host cities. Section 18 states that the Commission will examine "how each

applicant proposes to advance the economic objectives” sought by the City (for each region) in negotiating and executing a host community agreement with the applicant.

In the case of KG Urban and the City of New Bedford, months of time consuming work and comprehensive discussions and negotiations have resulted in what the City of New Bedford believes will be an extremely favorable economic tool for the resurgence of the City’s economy and employment. A fair and objective evaluation by the Commission, looking at *intra-region* considerations in evaluating KG Urban’s application, is the proper and legal course that the Commission should follow. Our fear is that Commission members may (erroneously) proceed by considering economic factors outside of Region C (i.e. the continued viability of casino operations in Regions A and B) rather than afford Region C its own independent consideration.

Central to our view of the Gaming Legislation is that Section 19(a) of Chapter 194 could not be clearer as to the singular circumstance under which a Region may be denied a license. That circumstance is very specific. No license will issue:

“...if the commission is not convinced that there is an applicant that has both met the eligibility criteria and provided convincing evidence that the applicant will provide value to the region in which the gaming establishment is to be located...”

It should be beyond question that Region C is entitled to a fair application of criteria set forth in the law, just as such criteria were applied earlier to Regions A and B. Each region’s casino proposal should be judged by the same criteria: whether the proposal “provides employment and support in all sectors of the economy, particularly where unemployment has been a traditional issue challenging *that region’s* economy.” The additional goals of promotion of small businesses and tourism, and cultural and social facilities, also need to be considered on an *intra-regional* basis. Accordingly, no one region should be denied an *intra-region* evaluation process. To fulfill the Legislative intent, the statutory criteria should be evaluated from a local regional context.

The HCA in this case, and any further information to be provided to the Commission, should be examined with respect to the proposed beneficial effects within Region C rather than consideration of the impact of a Region C casino on other regions of the state.

In addition, any present preoccupation or speculation by the Commission that equity partners may be shying away from the region overshadows and prejudices its obligation to fairly evaluate what the applicants are offering for Region C. This type of speculation could well create a self fulfilling prophecy.

We urge the Commission to make a clear and unambiguous statement that a Region C applicant who shows it has the wherewithal to build a casino in accordance with the criteria of the Act will be granted a license. This Commission must give Region C a fair shot at a license. Any damage already done needs to be addressed. No other Region has faced such bias suggesting that the Region cannot support a Casino. The Legislature made the determination that there was to be a Region C license if a qualified

applicant met the Act's criteria; the Commission does not have the right to disregard that mandate. The Commission exists to *administer* the law, not *change* it.

We do not address at length the Tribal Gaming Region C license issue. Its use as an argument against awarding a license is a red herring. The argument that the potential of a Tribal license should prevent the issuance of a commercial Region C license is simply a pretext to deny the region a license. The Tribe has made no headway with having the land taken by the Department of Interior. Given the state of the federal law as altered by the recent United States Supreme Court decision it is years away if at all. It is time that the Commission take the position that a qualified applicant willing to invest \$650 million in Region C will trump any concerns over the establishment of a Tribal facility that may or may not occur in the future.

We are well aware that the Commission has power to issue or not issue a license. We submit, however, that such power is set forth in Section 19(a) (as explained above), and is intended to insure that a license is not issued to an unqualified applicant, and not to deny a Region a license altogether.

We agree with Commissioner James McHugh's comments at the March 19, 2015 Commission meeting. We hope the Commission members will take to heart his comments.

I come at this from a little bit different starting point. This is really a tough problem. I think we all feel that it's a tough problem. But I come at it from a little different starting point.

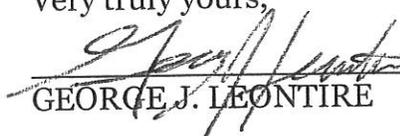
And the starting point is the statute and the purpose of the statute. The statute is designed to create an economic engine or engines. It's designed to create jobs. It's designed to create both permanent and construction jobs. And it's designed to help reach into, at least as we have applied it, into communities that are having difficult economic times and boost the economics.

But I think we need to look at it carefully on the merits and not use a deadline as a proxy for avoiding looking at it. In fact, we can't avoid looking at it because we have an applicant who is qualified and whose application is going to go forward. So, we're going to look at it anyway. We're at the starting gate. Transcript pg. 271-274 see Attachment A

Region C deserves the same treatment afforded Regions A & B. This is the clear intent and language of the enabling statute.

Appropriate consideration of the above comments will benefit all citizens of the Commonwealth (including those working and residing in Region C who deserve equal treatment under the law).

Very truly yours,


GEORGE J. LEONTIRE


PHILIP N. BEAUREGARD

ATTACHMENT A

EXCERPTS OF THE GAMING STATUTE PREPARED BY ATTORNEYS' GEORGE J LEONTIRE AND PHILIP N. BEAUREGARD

Preamble to House Bill No. 3807. To provide for economic investments and job creation in the Commonwealth.

CHAPTER 23K. THE MASSACHUSETTS GAMING COMMISSION

Section 1. The General Court finds and declares that:

(1) ensuring public confidence in the integrity of the gaming licensing process and in the strict oversight of all gaming establishments through a rigorous regulatory scheme is the paramount policy objective of this chapter;

(2) establishing the financial stability and integrity of gaming licensees, as well as the integrity of their sources of financing, is an integral and essential element of the regulation and control of gaming under this chapter;

(3) gaming licensees shall be held to the highest standards of licensing and shall have a continuing duty to maintain their integrity and financial stability;

(4) enhancing and supporting the performance of the state lottery and continuing the commonwealth's dedication to local aid is imperative to the policy objectives of this chapter;

(5) the commonwealth must provide for new employment opportunities in all sectors of the economy, particularly opportunities for the unemployed, and shall preserve jobs in existing industries in the commonwealth; this chapter sets forth a robust licensing process whereby an applicant for a gaming license shall submit a comprehensive plan for operating a gaming establishment which includes how the applicant will foster and encourage new construction through capital investment and provide permanent employment opportunities to residents of the commonwealth;

(6) promoting local small businesses and the tourism industry, including the development of new and existing small business and tourism amenities such as lodging, dining, retail and cultural and social facilities, is fundamental to the policy objectives of this chapter;

(7) recognizing the importance of the commonwealth's unique cultural and social resources and integrating them into new development opportunities shall be a key component of a decision to the award of any gaming license under this chapter;

(8) applicants for gaming licenses and gaming licensees shall demonstrate their commitment to efforts to combat compulsive gambling and a dedication to community mitigation, and shall recognize that the privilege of licensure bears a

responsibility to identify, address and minimize any potential negative consequences of their business operations;

(9) any license awarded by the commission shall be a revocable privilege and may be conditioned, suspended or revoked upon: (i) a breach of the conditions of licensure, including failure to complete any phase of construction of the gaming establishment or any promises made to the commonwealth in return for receiving a gaming license; (ii) any civil or criminal violations of the laws of the commonwealth or other jurisdictions; or (iii) a finding by the commission that a gaming licensee is unsuitable to operate a gaming establishment or perform the duties of their licensed position; and

(10) the power and authority granted to the commission shall be construed as broadly as necessary for the implementation, administration and enforcement of this chapter.

Section 18. In evaluating application and issuing decision, MGC must evaluate and issue findings as to the following objectives:

(1) protecting the lottery from any adverse impacts due to expanded gaming including, but not limited to, developing cross-marketing strategies with the lottery and increasing ticket sales to out-of-state residents;

(2) promoting local businesses in host and surrounding communities, including developing cross-marketing strategies with local restaurants, small businesses, hotels, retail outlets and impacted live entertainment venues;

(3) realizing maximum capital investment exclusive of land acquisition and infrastructure improvements;

(4) implementing a workforce development plan that utilizes the existing labor force, including the estimated number of construction jobs a proposed gaming establishment will generate, the development of workforce training programs that serve the unemployed and methods for accessing employment at the gaming establishment;

(5) building a gaming establishment of high caliber with a variety of quality amenities to be included as part of the gaming establishment and operated in partnership with local hotels and dining, retail and entertainment facilities so that patrons experience the diversified regional tourism industry;

(6) taking additional measures to address problem gambling including, but not limited to, training of gaming employees to identify patrons exhibiting problems with gambling and prevention programs targeted toward vulnerable populations;

(7) providing a market analysis detailing the benefits of the site location of the gaming establishment and the estimated recapture rate of gaming-related spending by residents travelling to out-of-state gaming establishments;

(8) utilizing sustainable development principles including, but not limited to: (i) being certified as gold or higher under the appropriate certification category in the Leadership in Environmental and Energy Design program created by the United States Green Building Council; (ii) meeting or exceeding the stretch energy code requirements contained in Appendix 120AA of the Massachusetts building energy code or equivalent commitment to advanced energy efficiency as determined by the secretary of energy and environmental affairs; (iii) efforts to mitigate vehicle trips; (iv) efforts to conserve water and manage storm water; (v) demonstrating that electrical and HVAC equipment and appliances will be EnergyStar labeled where available; (vi) procuring or generating on-site 10 per cent of its annual electricity consumption from renewable sources qualified by the department of energy resources under section 11F of chapter 25A; and (vii) developing an ongoing plan to submeter and monitor all major sources of energy consumption and undertake

regular efforts to maintain and improve energy efficiency of buildings in their systems;

(9) establishing, funding and maintaining human resource hiring and training practices that promote the development of a skilled and diverse workforce and access to promotion opportunities through a workforce training program that: (i) establishes transparent career paths with measurable criteria within the gaming establishment that lead to increased responsibility and higher pay grades that are designed to allow employees to pursue career advancement and promotion; (ii) provides employee access to additional resources, such as tuition reimbursement or stipend policies, to enable employees to acquire the education or job training needed to advance career paths based on increased responsibility and pay grades; and (iii) establishes an on-site child day-care program;

(10) contracting with local business owners for the provision of goods and services to the gaming establishment, including developing plans designed to assist businesses in the commonwealth in identifying the needs for goods and services to the establishment;

(11) maximizing revenues received by the commonwealth;

(12) providing a high number of quality jobs in the gaming establishment;

(13) offering the highest and best value to create a secure and robust gaming market in the region and the commonwealth;

(14) mitigating potential impacts on host and surrounding communities which might result from the development or operation of the gaming establishment;

(15) purchasing, whenever possible, domestically manufactured slot machines for installation in the gaming establishment;

(16) implementing a marketing program that identifies specific goals, expressed as an overall program goal applicable to the total dollar amount of contracts, for the utilization of: (i) minority business enterprises, women business enterprises and veteran business enterprises to participate as contractors in the design of the gaming establishment; (ii) minority business enterprises, women business enterprises and veteran business enterprises to participate as contractors in the construction of the gaming establishment; and (iii) 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;

(17) implementing a workforce development plan that: (i) incorporates an affirmative action program of equal opportunity by which the applicant guarantees to provide equal employment opportunities to all employees qualified for licensure in all employment categories, including persons with disabilities; (ii) utilizes the existing labor force in the commonwealth; (iii) estimates the number of construction jobs a gaming establishment will generate and provides for equal employment opportunities and which includes specific goals for the utilization of minorities, women and veterans on those construction jobs; (iv) identifies workforce training programs offered by the gaming establishment; and (v) identifies the methods for accessing employment at the gaming establishment;

(18) whether the applicant has a contract with organized labor, including hospitality services, and has the support of organized labor for its application, which specifies: (i) the number of employees to be employed at the gaming establishment, including detailed information on the pay rate and benefits for employees and contractors; (ii) the total amount of investment by the applicant in the gaming establishment and all infrastructure improvements related to the project; (iii) completed studies and reports as required by the commission, which shall include, but need not be limited to, an economic benefit study, both for the commonwealth and the region; and (iv) whether the applicant has included detailed plans for assuring labor harmony during

all phases of the construction, reconstruction, renovation, development and operation of the gaming establishment; and
(19) gaining public support in the host and surrounding communities which may be demonstrated through public comment received by the commission or gaming applicant.

ATTACHMENT B
SELECTED SECTIONS FROM THE OFFICIAL
TRANSCRIPT OF

THE COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS GAMING COMMISSION
PUBLIC MEETING #147
CHAIRMAN

Stephen P. Crosby

COMMISSIONERS

Gayle Cameron

James F. McHugh

Bruce W. Stebbins

Enrique Zuniga

19 March 19, 2015 10:30 a.m. - 5:37 p.m.
20 BOSTON CONVENTION AND EXHIBITION CENTER
21 415 Summer Street, Room 102B
22 Boston, Massachusetts

THIS DOCUMENT WAS PREPARED BY ATTORNEYS' :
GEORGE J. LEONTIRE & PHILIP N. BEAUREGARD
AS AN EXHIBIT TO THEIR LETTER TO THE GAMING
COMMISSIONER

THE DISCUSSION BEFORE THE COMMISSION WAS WHETHER TO GRANT NEW BEDFORD AND SOMERSET A 45 DAY EXTENSION FOR THEIR RAF-1 LICENSE. BROCTON'S RAF-1 WAS TIMELY FILED.

THE VOTE WAS 3 TO 2 IN FAVOR OF THE EXTENSION. COMMISSIONER CAMERON AND COMMISSIONER ZUNIGA OPPOSED. THE DISCUSSION, HOWEVER REVEALED SOME DISTURBING VIEWPOINTS BY THE COMMISSIONERS THAT WE BELIEVE ARE CONTRARY TO THE MA GAMING STATUTE. THE FOLLOWING ARE RELEVANT EXCERPTS FROM THE MEETING THAT EXEMPLIFY OUR CONCERNS.

GEORGE J. LEONTIRE AND PHILIP N. BEAUREGARD

THE FOLLOWING ARE EXCERPTS. THEY ARE NOT INTENDED TO CONVEY THE ENTIRE CONVERSATION BUT RATHER SNIPPETS OF SUCH CONVERSATIONS. TO READ THE ENTIRE MEETING TRANSCRIPT PLEASE GO TO MASSACHUSETTS OFFICIAL WEBSITE: MASSGAMING.COM

RELEVANT EXCERPTS

Beginning Tr. Pg. 265 **COMMISSIONER CAMERON:** Mr. Chair, I actually think we have two issues. We started to talk and Commissioner McHugh alluded to

thinking about the region as a whole as well these two particular requests. And I do think we should handle them separately. But I do think that there are two issues that we should at least talk about today.

CHAIRMAN CROSBY: Explain which -

COMMISSIONER CAMERON: The region as a whole, meaning the question was asked of one applicant and it's a question for us to talk about, not just the issue with the tribe, the issue with a market analysis, all of the changes that occurred in gaming which will effect our decision on what to do with Region C.

When we started this in April 2013, we had a lot of folks come before us and say, hey, don't let the region fall behind. And that was when we decided okay, the tribe has a path to move forward and continue on. At the same time, we would explore a commercial license.

Now we are here almost two years later and we're deciding and we're whether or not to give more extensions, which to me is a huge signal there's great risk in Region C. And I just think that's something we need to talk about. Commissioner McHugh's question, things that I have thought about as well, I think it's time for use to do a new market analysis, update the one we had done on Region C.

So much has changed, meaning Rhode Island the status has changed. Table games, combined ownership, Connecticut is talking about expansion. New Hampshire is through the House. Plainville, we did not have the decision in Plainville that the slots parlor would go in that location when we decided to open this up.

The compact was not renegotiated with a zero for another casino in that region at the time that we opened this up. So, lots has changed. And I think it's time (A) for a new market analysis, and (B) for an updated status on all tribal decisions, all legislation that have occurred in the last two years.

I know that there's even been a recommendation to make an appointment to go into the Bureau of Indian Affairs and ask what is the status.

So, I think there's a lot we can do as a Commission to update ourselves on changes in the environment that will help us make an informed decision with regard to Region C. So, I think that's the region as a whole.

Beginning Tr. Pg. 269 **COMMISSIONER ZUNIGA:** There is a significant piece that is missing from these two, the two applicants that are requesting in my view, which I do view connected to the market and the risk in that region.

I have this feeling that the reason it's taking them this long and continues to take them long and notwithstanding the recent momentum and the dramatic new HCA, for example, there is a major component with the equity. And I cannot help but think -- but wonder whether the equity will remain in the sidelines or it's very close to getting up from the sidelines because there's this added element of risk and this unique piece on this region.

I've made the case before you, my colleagues that this minimum capital investment may be a big hurdle in and of itself. We fine tuned that a little bit by including some of the costs that we have previously excluded but not all of them. And that's still a very high bar.

And I wonder if the market is reacting to that not just the capital investment but everything else, the prospect of the tribe, whatever additional development we've had. We've awarded three licenses, right? And that bears into the development, the

certainty, I guess, of those projects. The coming to fruition of those projects could be having a chilling effect on this other region.

So, I do see your point, Commissioner, about perhaps having to study, do a refresher. It's not a de novo market assessment because the framework would work. There could be a refresher that we could do with pinpointing the location. I still think that it's the most challenging region because it is less populated and has a less market potential.

Tr. Pg. 271 **COMMISSIONER ZUNIGA:** I am reluctant to extend it. I think the market is answering the way it's answered. We just need a little bit more time. We're almost there but we don't have the full piece. And I see the big important piece missing is that equity. The equity I think is important because they are ultimately the last ones to get paid. And therefore the ones who really think about the risk of the economics of this market.

And the dealmakers will continue to try to make a deal and that's what they get compensated to do. It's great that they're making great progress. But the equity, the group that gets paid at the end is the one that ultimately is looking at all of these risk factors. And I wonder if they are just a little too high.

Beginning Tr. Pg. 271 **COMMISSIONER MCHUGH:** I come at this from a little bit different starting point. This is really a tough problem. I think we all feel that it's a tough problem. But I come at it from a little different starting point.

And the starting point is the statute and the purpose of the statute. The statute is designed to create an economic engine or engines. It's designed to create jobs. It's designed to create both permanent and construction jobs. And it's designed to help reach into, at least as we have applied it, into communities that are having difficult economic times and boost the economics.

Tr. Pg. 274 But I think we need to look at it carefully on the merits and not use a deadline as a proxy for avoiding looking at it. In fact, we can't avoid looking at it because we have an applicant who is qualified and whose application is going to go forward. So, we're going to look at it anyway. We're at the starting gate.

Beginning Tr. Pg. 276 **COMMISSIONER STEBBINS** I take to heart Commissioner Cameron's thoughts. This is a different environment. We've always talked about the challenge for Region C. You see all the other activity happening. The location of one of our own facilities, the slots parlor in a nearby or adjacent vicinity in this region. Have some of the economic dynamics changed? Maybe that's something that we continue to look at on a parallel path if we decide to let one, two or three of these applicants or projects kind of move forward.

Beginning Tr.pg. 279 **COMMISSIONER ZUNIGA:** I view competition differently, especially with what has happened already. Yes, the first time when we did our first solicitation there was a big focus attracting as many operators as we could trying to get a robust response. But I think we've learned a lot throughout. And we have awarded licenses that make this a very competitive and saturated region.

Now we have three licenses to worry about their sustainability, their long-term profitability that we've awarded. The projects have begun. They are effectively, in my view, competing with a third commercial license,

notwithstanding the prospect of a fourth one. So, there's plenty of competition to go along here.

I think the view of competition only for the Phase-2 stage is a little misguided, in my opinion. There is still this significant hurdles that they have to meet, the minimum capital investment, the suitability, very high bars in and of themselves.

And they have to make money, the return on investment. So, it comes from the market that's available. I know that the market has grown since we have awarded the licenses in the rest of the state. The prospects have shrunk a little bit with some of the comments that Commissioner Cameron was making.

For example, Connecticut is now talking about expanding some of those hotels, the same case for Rhode Island. And New Hampshire continues to be a prospect. So, I think talking about competition by region in this case is a little bit -- I just view it differently. I know what you mean. And I know that was a big priority for us, but I think there are many other dynamics here that eventually affect our decision.

Tr. Pg. 281 **CHAIRMAN CROSBY:** That consideration is whether we would award a license at all and to whom. If we do award a license, is it better to be close to Plainville or far away from Plainville, or close to Rhode Island or far away from Rhode Island?

That issue of competition, is it the right thing to do, does it fit with the tribal situation whatever it is, that is one competitive environment that we make a decision on when we end up making a decision on whether there's one or two or three applicants.

But the competition I'm referring to is just making sure whatever we get to consider in Southeastern Mass., we clearly would be better off, I think, having competition in Southeastern Mass. for us to be picking among and on which to factor.

If we don't have any other bidders, we won't be able to think about whether it's a good idea to be closer to Plainville or closer to Boston or farther from Plainville or farther from Boston. I agree that there's various competitive situations, there's various competitive prisms, but this one I think is very much relevant.

Beginning Tr. Pg. 282 **COMMISSIONER ZUNIGA:** If you presuppose that once you get two competitors you're going to pick one, then your logic holds.

I think we are still in the prospect of do we award a commercial license here, which gets us back to the point that Commissioner Cameron was making. And we don't need two for that decision.

I think there's a unique challenge in this region from way back when because of the prospect of that fourth casino that changes the economics significantly. So, we may end up at the same place just with a half step in between. But I think there's a case to be made to the point that Commissioner Cameron was making. Maybe we can just refresh the market study and try to come back to this sooner rather than later. I view it as already challenging in and of itself.

The problem with our process is that that analysis only comes after Phase 2 when Phase 2 is submitted. That's our catch-22 of sorts.

Beginning Tr. Pg. 283 **COMMISSIONER MCHUGH:** Well, I'm not sure that it does. That's why I asked that question that I asked. We have a Phase 1 and Phase 2 process. And we used the Phase 1 and Phase 2 process now with three successive license proceedings. That doesn't mean we can't tailor it in this one to get at that question earlier rather than later before there are votes and expenditures of energy on a whole variety of things when we may conclude that the economics don't support it, support a license in this

I think that we're going to have one. And the idea that we may come to the end of the process and say no, it's not economically viable to put a casino there. But we also may come to the conclusion that it is. And if we come to that conclusion, it seems to me the Commonwealth's interest is much better served by having two to choose from rather than one. There is it seems to me the competition drives something better. Besides the idea that you say to a community that's got a 17 percent unemployment rate and a brownfield in the middle of the city that we are not going to do anything for your unemployment rate or consider doing anything for your unemployment rate, or cleaning up a brownfield that nobody else wants to clean up because you were 45 days late giving us something to think about. I have significant difficulty with that.

Beginning Tr. Pg. 285 **COMMISSIONER CAMERON:** I think we do communities as much of a disservice by just moving forward with this process and not addressing our concerns about the region sooner rather than later. So, I would just advocate that we no matter what the outcome of the extension is, we move forward sooner rather than later with an updated market analysis, an updated status on the tribal matters in the last couple of years, as well as pending litigation and any other factors that we deem would help us, inform us better at this time about the region.

I just think that's something that's really important. I think it's unfair to let people spend an awful lot of money with the understanding that we will in fact issue a license when I just don't want that to be the assumption.

Beginning Tr. Pg. 288 **COMMISSIONER ZUNIGA:** At the risk of repeating myself a little bit, it's not just the 45 days. There's been a lot of time. And I understand and I remember all of the steps in between the referendum and etc., etc. But there has been ample time for everybody, municipal officials and operators and dealmakers and equity investors. And it just feels that we've done this and we've had this discussion in some form or another a number of times. And I'm just picking up on the questions we were asking of our applicants. We could considerably be here 45 days from now having another similar request saying we just need a little bit more time. One of the objectives, the same objective actually economic development, jobs, revenues, works in the way of sooner rather than later. It doesn't just point us in the way of one day, which makes the decision that much more difficult.

Beginning Tr. Pg. 291 **COMMISSIONER STEBBINS:** It bears repeating but this body has always been clear that just because we have three licenses to award doesn't mean that we will award three licenses. I think that's well known by everybody in this room, but certainly a message that bears repeating to the people in the communities that will be affected by this.