



PENNSYLVANIA GAMING CONTROL BOARD  
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July 16, 2008

*Chairman*  
MARY DIGIACOMO COLINS

*Commissioners*  
RAYMOND S. ANGELI  
JEFFREY W. COY  
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SANFORD RIVERS  
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*Ex-Officio Members*  
ROBIN WIESSMANN  
DENNIS WOLFF  
THOMAS W. WOLF

Senator Jane C. Orié  
Majority Whip  
Senate of Pennsylvania  
171 Main Capitol  
Harrisburg, PA 17120

Senator James Ferlo  
Senate of Pennsylvania  
535 Main Capitol  
Harrisburg, PA 17120

RE: Comments of Pennsylvania State Senators Jane C. Orié and Jim Ferlo,  
and Notice of Dispute of Claim to Confidentiality

Dear Senators Orié and Ferlo:

Reference is made to your joint letter to Pennsylvania Gaming Control Board ("PGCB" or "Board") Chairman Mary Colins, in which all other members of the PGCB were copied; as well as the enclosed document therewith entitled "Comments of Pennsylvania State Senators Jane C. Orié and Jim Ferlo, and Notice of Dispute of Claim to Confidentiality" ("Comments Document").

Your letter and enclosure both directly address a recently filed document with the PGCB Clerk entitled "Joint Application of PITG Gaming, LLC and Holdings Acquisition Co., LP" ("Joint Application"). As you both know, the Joint Application is a matter presently pending before the Board. Given the public interest in the PITG Gaming, LLC project, Chairman Colins has directed that your letter be forwarded to the Board Clerk and be made part of the record to be taken into consideration when the Board considers the Joint Application.

The Board is fully conversant with its duties and responsibilities under the Act as it relates to protecting the public and maintaining the integrity of gaming. While it would certainly be inappropriate for me to comment on specific issues raised in the Comments Document, I would like to let you know that, rather than "hastily approving" any financial restructuring of the

PITG Gaming, LLC project, the Board has directed staff to fully and completely review all matters related to the proposed restructuring so that staff can provide a fully informed opinion and recommendation to the Board at the required public hearing on the matter. Indeed, the Chairman has refused to even schedule a hearing on the matter until such time as all fully executed documents evidencing the structure of the new financing are received by Board staff and a review of same has begun. Moreover, should issues arise during the course of staff review of the documents requiring additional time, the Board will delay the public hearing until such time as all matters are resolved.

The PGCB, as do other administrative agencies, has in place a system of administrative hearing processes and protocols which are designed to fulfill the legal requisites of due process and fairness to all licensees and litigants coming before the Board. Those processes, which include an enforcement role by the Office of Enforcement Counsel, will not be sacrificed through these proceedings. Clearly the Board realizes that time is of the essence for the PITG Gaming, LLC project, both in the short and long term, as construction workers anxiously await getting called back to the work site; and taxpayers in Western Pennsylvania and across the Commonwealth look forward to the additional revenues to be generated by the Pittsburgh casino.

However, notwithstanding that fact, the Board is absolutely unwilling to jeopardize a thorough vetting of the Joint Application for the sake of expediency.

Finally, as to your specific concern regarding claimed confidentiality for the Joint Application's exhibits, please be advised that the Board Clerk has not yet received the documents at issue (they were not appended to the Joint Application when filed).<sup>1</sup> Rest assured that, upon the filing of any exhibits, as contemplated by the Joint Application, they will be reviewed and a legal determination as to their confidentiality made, in the normal course.

Please do not hesitate to contact me should you have any questions.

Sincerely,



Frank T. Donaghue  
Acting Executive Director

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<sup>1</sup> I understand that, at the Board's July 10, 2008 meeting, a "draft" of one of the exhibits to the Joint Application (Exhibit B) was released by petitioner's counsel. Notwithstanding that fact, the Board has never formally received either exhibit to the Joint Application.