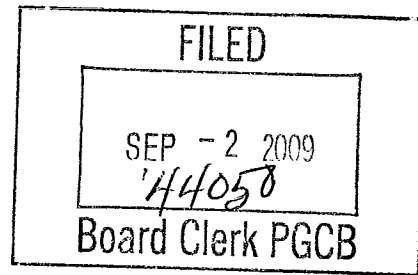


**BEFORE THE
PENNSYLVANIA GAMING CONTROL BOARD**



IN RE: :
PHILADELPHIA ENTERTAINMENT AND :
DEVELOPMENT PARTNERS, L.P. : **PGCB Docket No.1367**
: :
: :

ADJUDICATION

This matter is before the Pennsylvania Gaming Control Board (“PGCB” or “Board”) for disposition of Philadelphia Entertainment and Development Partners, L.P., d/b/a Foxwoods Casino Philadelphia’s (“Foxwoods”) May 22, 2009 Petition to Extend Time to Make Slot Machines Available (“Petition to Extend Time”). Foxwoods contends that, pursuant to Section 1210(a) of the Pennsylvania Race Horse Development Act (“Gaming Act”), it has good cause to seek and for the Board to grant it “an additional period not to exceed 24 months” by which to “operate and make available to play a minimum of 1,500 machines” at its facility, 4 Pa.C.S. § 1210(a).

After a review of the relevant filings and consideration of the evidence and the testimony provided at the Board’s August 28, 2009 public hearing on this matter, the Board makes the following findings.

Findings of Fact

1. Foxwoods applied for one of the two available Category 2 Slot Machine Licenses for the City of Philadelphia (“License”) in December 2005.

2. Foxwoods' application included, *inter alia*, a proposal to build a slot machine casino facility at Columbus Boulevard, between Reed and Tasker Streets, on the South Philadelphia waterfront ("Columbus Boulevard Site") with plans to begin construction in March 2007.
3. Foxwoods was one of five applicants for two Category 2 Slot Machine Licenses in the City of Philadelphia, the others being HSP Gaming, L.P. ("HSP"), Keystone Redevelopment Partners, L.P. ("Keystone"), Pinnacle Entertainment and Riverwalk Casino.
4. The Board awarded Foxwoods one of the two Licenses on December 20, 2006. The Board's Order and Adjudication memorializing this decision was issued on February 1, 2007.
5. The Board awarded the second Category 2 License for the City of Philadelphia to HSP for a site on North Delaware Avenue along the Delaware River.
6. Foxwoods submitted the requisite zoning and use registration permit applications to the City of Philadelphia in January 2007.
7. In March 2007, Riverwalk Casino appealed the Board's decision regarding the Philadelphia Licenses; the Pennsylvania Supreme Court upheld the Board's decision issuing its opinion in *Riverwalk Casino v. PGCB*, 926 A.2d 926 on July 17, 2007.
8. After numerous and varied delays and obstructions by local and municipal entities, Foxwoods filed several Emergency Petitions for Review with the Pennsylvania Supreme Court between June 1, 2007 and December 28, 2007.

9. On April 2, 2008, the Pennsylvania Supreme Court granted Foxwoods' Emergency Petition directing Philadelphia to, *inter alia*, approve the necessary zoning for the Columbus Boulevard Site.
10. Foxwoods submitted a zoning and use permit application to the City of Philadelphia on May 5, 2008 (this permit is a necessary pre-requisite to obtaining all other city permits; e.g. construction permits); the City failed to act on the application.
11. The Board issued Foxwoods' License on May 29, 2008. Pursuant to Section 1210(a) of the Gaming Act, Foxwoods had one year from this date by which to make 1,500 slot machines available for play at its facility.
12. On July 16, 2008, Foxwoods filed a Petition with the Pennsylvania Supreme Court seeking appointment of a special master and enforcement of the Court's April 2, 2008 order regarding its permit application with the City of Philadelphia.
13. In August 2008, Foxwoods began to meet with state and local government officials regarding the possibility of moving its facility from the Columbus Boulevard Site.
14. On October 14, 2008, the Supreme Court granted Foxwoods request for enforcement of its previous April 2, 2008 order and appointed a special master to assist Foxwoods in attaining the necessary permits for development of its project from the City of Philadelphia.
15. In September 2008, Foxwoods met with state and local government officials to discuss a possible relocation of its facility to the Gallery Complex in Philadelphia.
16. In early 2009, Foxwoods, upon urging from the Pennsylvania Real Estate Investment Trust, began considering a potential move to an alternative site at the Strawbridge Building at 801 Market Street in Philadelphia.

17. On April 8, 2009, Foxwoods appeared at a public meeting of the Board to provide an update on the status of its project. At that time, Foxwoods confirmed that it was exploring relocation options for its project and that it anticipated filing a petition requesting permission from the Board to relocate its facility at some undetermined point in the future.
18. On May 22, 2009, Foxwoods filed a Petition to Extend Time to Make Slot Machines Available in which it contends that it has expended considerable efforts and faced numerous obstacles beyond its control regarding developing its facility and, that these facts establish good cause for the Board to grant it additional time to develop its facility.
19. On June 11, 2009, the Board's Office of Enforcement Counsel ("OEC") filed an Answer and New Matter to Foxwoods' Petition for Extension of Time in which it objects to the relief sought in Foxwoods' Petition pending receipt of more detailed information regarding its efforts to begin construction of its project and details regarding relocation possibilities.
20. On June 11, 2009, June 17, 2009 and July 7, 2009 Senators Farnese and Stack and Representatives O'Brien, McGeehan, Taylor and Josephs ("Legislators"); Keystone Redevelopment Partners, LLC ("Keystone"); and Eastern Pennsylvania Citizens Against Gambling ("Eastern") and James D. Schneller ("Schneller") respectively filed Petitions to Intervene in Foxwoods' Petition for Extension of Time.
21. The Board addressed the aforementioned Petitions to Intervene at its August 28, 2009 public meeting.

22. The Board addressed Foxwoods' Petition for Extension of Time at a public hearing held immediately prior to its public meeting on August 28, 2009 at which time, Foxwoods presented sworn testimony and documentary exhibits.
23. During the August 28, 2009 public hearing on Foxwoods' Petition for Extension of Time, Foxwoods representatives testified that Foxwoods was committed to developing the Columbus Boulevard site and were no longer contemplating a move to the Market Street location.
24. At its August 28, 2009 meeting, the Board announced its decision to deny the aforementioned Petitions to Intervene. The Board also announced its decision to grant the Legislators' Petition for *Amicus Curiae* status and, consequently, that it would consider the Legislators' filings on the matter.

Conclusions of Law

1. The Board has jurisdiction over Foxwoods and the subject matter of the instant proceeding.
2. The Board, pursuant to Section 1210(a) of the Gaming Act, has the authority to extend, upon application and for good cause shown, for a period not to exceed 24 months, the time by which a licensee must make 1,500 slot machines available to play at its facility.
3. Foxwoods has shown good cause sufficient for the Board to grant its request to extend, for a period of 24 months, the time by which it must make 1,500 slot machines available to play at its facility.

4. Foxwoods' Category 2 Slot Machine License is only valid for the specific location within the municipality and county for which it was granted, absent further relief from the Board.
5. The Board's grant of an extension of time for Foxwoods to make slots available is limited to development of a facility substantially similar to that which was presented in its initial proposal as approved by the Board, at the Columbus Boulevard site.
6. The 24 month extension granted herein specifically expires at the close of business on May 29, 2011.

Discussion

Foxwoods' Petition for Extension of Time has been pending before the Board for three months. Meanwhile, the time for Foxwoods commence operations continues to run. The public's interest in the fulfillment of the Gaming Act's provisions for two casinos in the City of Philadelphia, along with the promised full time casino jobs, construction jobs, tax revenues and other benefits therefrom, demands the Board consider this Petition without further delay.

Disposition of Foxwoods' Petition for Extension of Time necessitates a review of the Board's 2006 decision to award it the Category 2 License to operate a gaming facility it now seeks more time to develop.

The Board's February 1, 2007 Adjudication relative to Foxwoods

The primary objective of the Gaming Act is to "protect the public through the regulation and policing of all activities involving gaming . . .," 4 Pa.C.S. § 1102(1). Secondly, the legislation was enacted to enhance the horse racing industry in the Commonwealth, provide a significant source of income to the Commonwealth for tax relief, provide broad economic

opportunities to Pennsylvania's citizens and develop tourism throughout the Commonwealth. 4 Pa.C.S. §1102. To this end, Section 1202(b)(14) of the Act provides, "[t]he [B]oard shall have the specific power and duty to . . . [a]t it's discretion, . . . issue, approve, renew, revoke, suspend, condition or deny issuance or renewal of slot machine licenses," 4 Pa.C.S. § 1202(b)(12).

In addition to the eligibility requirements set out in Sections 1304 and 1310-1313 of the Gaming Act, 4 Pa.C.S. §§ 1304 and 1310-1313, the Board must take into consideration the facts enumerated in Section 1325(c) of the Gaming Act, 4 Pa.C.S. § 1325(c), in making its determination regarding awarding slot machine licenses. Among the factors enumerated in Section 1325(c) of the Gaming Act for Board consideration are "the location and quality of the proposed facility" and "the potential for new job creation and economic development which will result from granting a license to an applicant," 4 Pa.C.S. § 1325(c)(1)-(2). When, as was the case in the Philadelphia Category 2 Licenses, there was more than one eligible and suitable candidate for licensure, the Section 1325(c) factors provide a basis for comparison between otherwise equally appropriate applicants. "The Board fully considered those factors, as applicable, to arrive at a decision on licensure based upon all of the evidence in the record before it. The Board considered all of the evidence which made up the evidentiary record in the case, received briefs and heard oral argument supporting the applications, where presented, and has the opportunity to question applicants about their proposals." *PGCB Adjudication*, p.6.

In its February 1, 2007 Adjudication and Order regarding the two Philadelphia Category 2 Licenses, the Board explained that, "the Gaming Act only permits two licenses to be awarded in Philadelphia and there were five applicants. Thus, there was competition among the applicants for the two available licenses. Because of this competitive factor, the five applicants not only had the responsibility to satisfy the Board that they were eligible and suitable for a

Category 2 license, but they also were required to convince the Board that respective project should be among the two chosen by the Board to best serve the Commonwealth's and the public's interests in Philadelphia. Ultimately that was a determination committed to the sound exercise of the Board's discretionary authority to select the two applicants which the Board believes will best serve the Commonwealth's and the public's interests as outlined in the Act." *PGCB Adjudication*, p.5. The Board went on to emphasize "that the denials of three applicants [was] not because the unsuccessful applicants were found unsuitable, but because the Board had the difficult task of choosing among five suitable candidates and proposals, each of which possessed various positive attributes. Simply stated, the successful applicants were the applicants which possessed the projects which the Board evaluated, in its discretion, to be the best projects for licensure under the criteria of the Act." *PGCB Adjudication*, p.7.

In reference to Foxwoods, the Board found relevant to determining that its proposal was one of the two "best projects for licensure" the following "Findings of Fact":

- The facility would be located on a sixteen and one half (16 ½) acre parcel of vacant land on the Delaware Riverfront at the site commonly known as Piers 60, 62 and 63 in Philadelphia. *PGCB Adjudication*, FF 104, p.29.
- Foxwoods submitted two site development plans to the Board: one if it is granted riparian rights on the Delaware River and one if it is denied riparian rights. *PGCB Adjudication*, FF 105, p.29.
- If granted riparian rights, the design plan that incorporated an existing pier of approximately 90,000 square feet and plans for restaurants, an entertainment venue, lounges and bars, retail shops, parking and full public access to the waterfront. *PGCB Adjudication*, FF 106, p.29.

- If not granted riparian rights, the entertainment complex would be built without the use of riparian rights by moving the building back 80 to 100 feet from the other design, but still allowing for the construction of a full entertainment district of more than 120,000 square feet in size on the water's edge. *PGCB Adjudication*, FF 107, p.29.
- Foxwoods presented a three-phase construction plan:
 - Phase I: 3,000 slot machines, a 2,000 seat showroom, entertainment lounge, retail shops, 600 seat buffet, 250 seat five-outlet food court and 250 seat sports bar, 4,200 space parking garage with an additional 300 surface parking spaces.
PGCB Adjudication, FF 154, p.39.
 - Phase II: expansion of the casino floor by approximately 66,000 square feet to accommodate the addition of 2,000 slot machines and/or table games. Phase II plans also include the addition of nightclubs, restaurants, boutique retail shopping and an expansion of the parking garage for an additional 1,200 parking spaces.
PGCB Adjudication, FF 155, p.39-40.
 - Phase III: construction of two (2) 30-story towers that are connected to the existing casino and entertainment complex. The west tower will be a hotel with approximately 500 rooms and the east tower is designed to be either an additional 500-room hotel or a 200-resident condominium. In addition to the two (2) towers, Phase III plans include additional restaurants, a spa and an outdoor pool. *PGCB Adjudication*, FF 156, p.40.
- Foxwoods estimated that the Phase I facility will create 950 permanent operations positions. These positions are intended to be living wage positions with full medical benefits, while more permanent employment positions would be created as Foxwoods

Casino Philadelphia is expanded. *PGCB Adjudication*, FF 159, p.41. Foxwoods also estimated that between 945 and 1,071 construction jobs will be created during the Phase I construction of Foxwoods Casino Philadelphia. *PGCB Adjudication*, FF 160, p.40-1.

- Foxwoods' traffic expert proposed a plan to allow traffic to flow better on South Columbus Boulevard. Working in conjunction with the City of Philadelphia and the Pennsylvania Department of Transportation, and using standards set forth in the Institute of Transportation Engineers publications, Foxwoods' traffic experts submitted a series of mitigation measures that it believes will reduce traffic congestion on Columbus Boulevard by 32%. To improve traffic flow, Foxwoods proposed widening a street as it approaches Columbus Boulevard, constructing double left turn lanes at two intersections, re-striping other intersections, and adding two new traffic signals along Columbus Boulevard. These Phase I improvements would be completed prior to the opening of the gaming facility. *PGCB Adjudication*, FF 165-6, p.42.

In its Adjudication, the Board noted that “the decision as to which two of the five eligible and suitable proposals would receive the award of the two Category 2 slot machine operator licenses in Philadelphia was a very difficult one calling for the Board to weigh five competitive, yet unique and different proposals to determine which two the Board, in its sole discretion, believed to be the best fit for the Commonwealth and the public in light of the various factors which may be taken into consideration under the Act.” *PGCB Adjudication*, p. 78. The Act embodies multiple objectives to be considered by the Board, including the protection of the public through regulating and policing all activities involving gaming; enhancing entertainment and employment in the Commonwealth; providing a significant source of income to the Commonwealth for tax relief; providing broad economic opportunities to Pennsylvania's

citizens; developing tourism; strictly monitoring licensing of specified locations, persons, associations, practices, activities, licenses and permittees; considering the public interest of the citizens of the Commonwealth and the social effects of gaming when rendering decisions; and maintaining the integrity of the regulatory control of facilities. 4 Pa.C.S. § 1102.

After considering all the evidence before it and giving the appropriate weight to the factors that it, solely in the exercise of its discretion, found to be in furtherance of the objective of the Gaming Act, the Board determined that HSP and Philadelphia Entertainment represented the best fit for Category 2 licensure in the City of Philadelphia.

In its Adjudication, the Board explained,

In reaching this conclusion [to award HSP and Foxwoods the two Category 2 Licenses], the Board has examined and weighed the various factors cited above. However, there were several factors that, in the Board's opinion, made HSP and Philadelphia Entertainment's projects stand out above the remaining applicants.

First, both HSP and Philadelphia Entertainment are located on the riverfront and have excellent design plans for their facilities. Neither have riparian rights issues because if they are not successful in securing riparian rights, they both have alternate plans to build quality facilities without the need for these rights. The synergy provided by the riverfront locations and the proximity to Center City and the downtown Philadelphia area were positive factors.

Second, the location of each facility, as it relates to the other, creates the most advantageous locations. Both locations are largely separated from primary residential areas by Interstate 95 and it is anticipated that a significant amount of the patrons coming to the casinos will use Interstate 95 to access the sites. In addition, siting one location on the North Delaware Avenue corridor and the other location farther south and below the Ben Franklin Bridge, will spread out the patron traffic and avoid the traffic congestion that having two sites located close together would invariable bring to Philadelphia.

PGCB Adjudication, p. 81.

After finding HSP to be one of the best projects, the Board continued,

The Board believes, based upon its review of the evidence, that the Philadelphia Entertainment/Foxwoods proposal will also serve the objectives of the Act and should be granted a Category 2 license. The location of South Philadelphia, near the sports complexes and sufficiently separated from the North Delaware Avenue

area, provides a location conducive to economic development and gaming without overburdening local services. Moreover, the Board finds that the history and successful management of Foxwoods Connecticut, which will be imported to the South Philadelphia project, will provide a tremendous boost to this project for the betterment of the Commonwealth.

Based upon the findings of fact, conclusions of law and discussions set forth above, which are supported by the evidentiary record, the PGCB finds that **HSP/Sugarhouse** and **Philadelphia Entertainment and Development Partners/Foxwoods** have satisfied the requirements of 4 Pa.C.S. § Category 2 license, are eligible and suitable to receive a license and that it is in the best interest of the public and the Commonwealth that these two entities be granted the two available Category 2 slot machine licenses allocated by the General Assembly to Philadelphia, Pennsylvania, a city of the First Class, subject to the terms and conditions placed on the license by the PGCB.

PGCB Adjudication, p. 112.

As reflected by the foregoing discussion, the river-front location of Foxwoods along with the physical structure of the building proposal and the proposed amenities provided a uniqueness to the Foxwoods' project which, among many other factors, set it apart from the other proposals which were not chosen for a Category 2 license in Philadelphia. Given the competitive application process, the Board selected that project as superior to three others. The Board continues to believe that Foxwoods' project, as presented in its application, the details of which led to the Board awarding it License, remains well suited for Philadelphia and should be fulfilled accordingly.

Good Cause exist to extend the time by which Foxwoods must make slots available

Section 1210(a) of the Gaming Act provides, in relevant part,

. . . all slot machine licensees . . . shall be required to operate and make available to play a minimum of 1,500 machines at any one licensed facility within one year of the issuance by the Board of a slot machine license unless otherwise extended by the Board, upon application and for good cause shown, for an additional period not to exceed 24 months.

4 Pa.C.S. § 1210(a). Although the Gaming Act does not contain a definition for “good cause,” the phrase has come to be understood in the law as “substantial reason amounting to a legal excuse for failing to perform an act required by law as determined on a case-by-case basis,” BLACKS LAW DICTIONARY, 6th Edition (1990) (citations omitted).

Previously, in the matter of *HSP Gaming, L.P.’s Application for Additional Time to Make Slot Machines Available to Play*, the Board found “good cause” to grant HSP Gaming, L.P.’s (“HSP”) request for an extension of time to make slots available. In that case, HSP alleged that litigation, community opposition and obstacles from Philadelphia City Council were responsible for the delay in progressing with its project.

In its Petition for Extension of Time and in the evidence presented to the Board on August 28, 2008, Foxwoods established that it has faced many of the same obstacles as did HSP which have resulted in the delay in developing its project. Specifically, Foxwoods references the following obstacles it has encountered, and the efforts it has made, since the Board awarded it a Category 2 License in December 2006:

- litigation from community groups, unsuccessful applicants and legislators challenging the Board’s decision to award it a License;
- refusal of City Council to zone the Columbus Boulevard Site as Commercial Entertainment District (“CED”) (prior to the Board awarding the Philadelphia licenses, the city created a new zoning district, CED, which was a prerequisite to constructing a gaming facility in Philadelphia);
- entering into an agreement with the city for payment of taxes relative to the Columbus Boulevard Site in January 2008 and payment, pursuant to that agreement, of \$875,000 in January 2008 and \$1.2 million in February 2008 for real estate taxes;

- requests with the Pennsylvania Supreme Court for emergency relief the last of which was granted on April 2, 2008 (in which the Court granted Foxwoods CED zoning for the Columbus Boulevard Site);
- refusal by the City to act on the zoning and use permit applications Foxwoods filed in May 2008;
- another request for relief and appointment of a Master from the Pennsylvania Supreme Court in July 2008; the Court granted this request in October 2008¹


Undoubtedly, Foxwoods has experienced delays in commencing construction of its slots machine facility. Some of those delays have been caused by the appeal filed by Riverwalk Casino. Other delays have been caused by actions within the Philadelphia city government that have resulted in multiple applications to the Pennsylvania Supreme Court for relief. None of these factors, which have resulted in certain delay to the project, have resulted from any fault of Foxwoods. Accordingly, the Board finds that Foxwoods has, pursuant to Section 1210(a) of the Gaming Act, 4 Pa.C.S. § 1210(a), shown good cause, as described above, to extend the time by which it must make slot machines available to May 29, 2011. However, the Board firmly believes that the Foxwoods project, which was granted a Category 2 slot machine license, should be built as proposed.² Accordingly, the Board is expressly limiting its grant of an extension of

¹ Finally, in its Petition for Extension of Time, Foxwoods details its efforts regarding the possible relocation of its facility. As described in detail above, the Board awarded Foxwoods a Category 2 License for a specific location, the Columbus Boulevard Site. The location of Foxwoods proposed facility was one of the determining factors in the Board choosing it out of five eligible and suitable license applicants; accordingly, the Board does not consider Foxwoods efforts regarding exploring relocation possibilities as good cause for an extension of time to make slots available under Section 1329 of the Gaming Act and said efforts are not be a factor in the Board's ultimate disposition of Foxwoods request for an extension of time.

² As noted above, Foxwoods has seemingly abandoned the idea of moving to a site on Market Street in the City of Philadelphia. If it had not done so, it would have had to file a petition to relocate under Section 1329 of the Gaming Act. As was clear by the Board's statements at the August 28, 2009 hearing on this matter, the Board would not be inclined to approve a material change in location or site for the casino project where the initial license was granted in the competitive process and the project was picked as one of the two best among those presented.

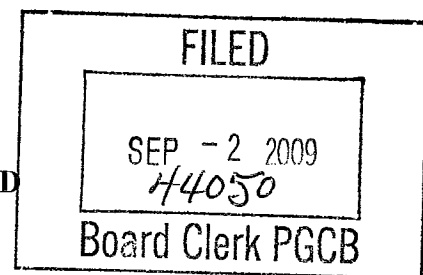
time to commence operations **solely** for the purpose of Foxwoods developing the casino, as described in the Board's February 1, 2007 Adjudication, at the Columbus Boulevard Site.

Dated: September 1, 2009

By: 
Gregory C. Fajt, Chairman
Pennsylvania Gaming Control Board

If you disagree with the Board's Adjudication and Order, you have the right to file an appeal with the Commonwealth Court of Pennsylvania within thirty (30) days of the date of this Order. See, Pennsylvania Rule of Appellate Procedure 1512.

**BEFORE THE
PENNSYLVANIA GAMING CONTROL BOARD**



IN RE: :
PHILADELPHIA ENTERTAINMENT AND :
DEVELOPMENT PARTNERS, L.P., d/b/a : **PGCB Docket No. 1367**
FOXWOODS CASINO PHILADELPHIA :
:

ORDER

AND NOW, this 1st day of September 2009, the Board hereby **GRANTS** Philadelphia Entertainment and Development Partners, L.P., d/b/a Foxwoods Casino Philadelphia's ("Foxwoods") May 22, 2009 Petition to Extend Time to Make Slot Machines Available for a period of twenty-four months to run from May 29, 2009, or until May 29, 2011. The authorization granted herein is limited to operating slot machines at the location contained at the Columbus Boulevard site, and to develop a facility substantially similar to that which was presented in Foxwoods' application materials and as approved by the Board in its February 1, 2007 Adjudication and Order.

In addition, the Board fully expects Foxwoods, as a good corporate citizen, to act in a manner which will seek to minimize any adverse effects to the neighboring community.

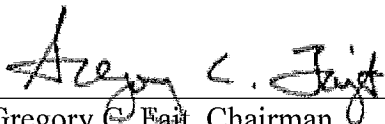
The Board further **ORDERS** and **DIRECTS** that its decision is subject to the following conditions:

1. Within 45 days of the date of this Order, Foxwoods shall provide the Board with a written plan to make a minimum of 1,500 slot machines available for play, on or before May 29, 2011, at the Columbus Boulevard site;

2. Foxwoods shall provide the Bureau of Investigations and Enforcement (“BIE”) written monthly updates, beginning October 1, 2009, regarding its efforts to develop a facility with a minimum of 1,500 slot machines available for play, on or before May 29, 2011, at the Columbus Boulevard site;
3. Foxwoods shall provide BIE written monthly updates, beginning October 1, 2009, regarding its efforts and progress to obtain financing for developing a facility with a minimum of 1,500 slot machines available for play, on or before May 29, 2011;
4. Within 6 months of the date of this Order, Foxwoods shall submit to BIE all financing documents and commitments for financing regarding development of its facility with a minimum of 1,500 slot machines available for play, on or before May 29, 2011;
5. Within 3 months of the date of this Order, Foxwoods shall submit to BIE all architectural renderings, artist renderings, conceptual proposals, engineering opinions, any and all other documents relating to construction of a facility, substantially similar to that approved by the Board on December 20, 2006. The submissions must provide for a minimum of 1,500 slot machines available for play, on or before May 29, 2011, at the Columbus Boulevard site;
6. Within 3 months of the date of this Order, Foxwoods shall submit to BIE a timeline for commencement and completion of all phases of development regarding its facility with a minimum of 1,500 slot machines available for play, on or before May 29, 2011;
7. Foxwoods shall provide BIE with monthly updates, beginning October 1, 2009, regarding the status of all outstanding licenses, certifications and permits required by all federal, state, county, local or other agency as prerequisites for construction and

development of its facility with a minimum of 1,500 slot machines available for play, on or before May 29, 2011, at the Columbus Boulevard site;

8. Foxwoods shall notify the Board prior to or immediately upon becoming aware of any impending change of ownership or change in control, material change in financial status, including debt position, restructuring, receivership, merger, dissolution, bankruptcy or transfer of assets to any third party; and
9. Foxwoods will be required to periodically provide updates as to the status of its project, including, but not limited to, financing, zoning, permits and certifications, at public meetings, as scheduled by the Board.

By: 
Gregory C. Fajt, Chairman
Pennsylvania Gaming Control Board

If you disagree with the Board's Adjudication and Order, you have the right to file an appeal with the Commonwealth Court of Pennsylvania within thirty (30) days of the date of this Order. See, Pennsylvania Rule of Appellate Procedure 1512.