



**VIA EMAIL**

March 9, 2023

Paula Penz, Senior Director  
Choctaw Nation Gaming Commission  
Choctaw Nation of Oklahoma  
P.O. Box 5229  
Durant, OK 74702  
[ppenz@choctawnation.com](mailto:ppenz@choctawnation.com)

**RE: Submission of alternative standards to 25 C.F.R. Part 547**

Dear Ms. Penz:

I am writing with respect to your October 21, 2022 request on behalf of the Choctaw Nation Gaming Commission (CNGC) for the National Indian Gaming Commission (NIGC) to review and approval of Alternative Standards Adopted for Class II Games Played Using Mobile Devices. The alternative standards were approved by the CNGC on January 11, 2023. Pursuant to 25 C.F.R. § 547.17(b), the Chair of the NIGC may approve or object to alternative standards by a tribal gaming regulatory authority.

Thank you for providing the following alternative standards relating to 25 C.F.R. §§ 547.2, 547.4(b), 547.5(b)(1)(iv), 547.7(d), 547.16(b), and 547.16(c). In addition to the alternative standards, you provided a definition for mobile gaming device and a detailed explanation as to how the alternative standards achieves a level of security and integrity sufficient to accomplish the purpose of the standard it is to replace. This information was helpful in assessing the role of the alternative standards within the overall regulatory framework.

The attached Alternative Standards to 25 C.F.R. Part 547 are hereby approved as the alternative standards appear to achieve a level of security and integrity sufficient to accomplish

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**REGIONAL OFFICES** Portland, OR; Sacramento, CA; Phoenix, AZ; St. Paul, MN; Tulsa, OK; Oklahoma City, OK; Rapid City, SD  
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the purpose the standards they are to replace. If you have any questions concerning this letter, please contact Staff Attorney Mandy Cisneros at [mandy.cisneros@nigc.gov](mailto:mandy.cisneros@nigc.gov).

Sincerely,



E. Sequoyah Simermeyer  
Chairman

Choctaw Nation of Oklahoma

Alternate Standards to 25  
C.F.R. Part 547

Item	Part 547 Minimum Technical Standard	CNGC Alternate Standard	Justification
1	<p>25 C.F.R. § 547.2</p> <p>Class II gaming system. All components, whether or not technologic aids in electronic, computer, mechanical, or other technologic form, that function together to aid the play of one or more Class II games, including accounting functions mandated by these regulations.</p> <p>Player interface. Any component(s) of a Class II gaming system, including an electronic or technologic aid (not limited to terminals, player stations, handhelds, fixed units, etc.), that directly enables player interaction in a Class II game.</p>	<p>*547.2</p> <p>Class II Gaming System. All components, whether or not technologic aids in electronic, computer, mechanical, or other technologic form, such as a Class II Mobile Gaming System, that function together to aid the play of one or more Class II games, including accounting functions mandated by these regulations.</p> <p>Player Interface. Any component(s) of a Class II gaming system, including an electronic or technologic aid (not limited to terminals, player stations, handhelds such as a Class II Mobile Gaming Device, fixed units, etc.), that directly enables player interaction in a Class II game.</p>	<p>Integrity stays the same. Class II mobile gaming devices/systems are added to the list of items included in the Class II gaming system and Player Interface definitions to further define them.</p>
2	<p>25 C.F.R. § 547.4(b)</p> <p>Approved gaming equipment and software only. All gaming equipment and software used with Class II gaming systems must be identical in all respects to a prototype reviewed and tested by a testing laboratory and approved for use by the TGRA pursuant to §547.5 (a) through (c).</p>	<p>*547.4(b)</p> <p>Approved gaming equipment and software only. All gaming equipment, except for any Class II Mobile Gaming Device, and software used with Class II gaming systems must be identical in all respects to a prototype reviewed and tested by a testing laboratory and approved for use by the TGRA pursuant to §547.5 (a) through (c). Any Class II Mobile Gaming Device used with a Class II Mobile Gaming System must comply with the applicable requirements for such device set by the Federal Communications Commission. The operation shall ensure that any Class II Mobile Gaming occurs only on a Class II Mobile Gaming Device utilizing game software that has been reviewed and approved for use by the TGRA.</p>	<p>With a Class II Mobile Gaming system, it would be difficult for an Independent Testing Laboratory (ITL) to test patron owned devices such as cell phones and tablets. However, having the devices be FCC accredited (or similar) along with TGRA approved game software running on the device, we retain security and integrity of the gaming system. The requirement for the game software to be identical to a prototype tested by an ITL will remain the same.</p>
3	<p>25 C.F.R. § 547.5(b)(1)(iv)</p> <p>The testing laboratory's written report confirms that the operation of a player interface prototype has been certified that it will not be compromised or affected by electrostatic discharge, liquid spills, electromagnetic interference, or any other tests required by the TGRA;</p>	<p>*547.5(b)(1)(iv)</p> <p>The testing laboratory's written report confirms that the operation of a player interface prototype, other than a Class II Mobile Gaming Device, has been certified that it will not be compromised or affected by electrostatic discharge, liquid spills, electromagnetic interference, radio frequency interference, or any other tests required by the TGRA. Any Class II Mobile Gaming Device must comply with the applicable requirements for such device set by the Federal Communications Commission;</p>	<p>Again, an ITL cannot test all patron owned devices. We rely on the fact that these patron owned devices have been vetted by an accredited organization (FCC or similar) to test for this along with other requirements being met before being offered to the public.</p>

4	<p>25 C.F.R. § 547.7(d)</p> <p>Player interface. The player interface must exhibit a serial number and date of manufacture and include a method or means to: (1)Display information to a player; and (2)Allow the player to interact with the Class II gaming system.</p>	<p>*547.7(d)</p> <p>Player Interface .</p> <p>(1)Any player interface, except for a Class II Mobile Gaming Device, must exhibit a serial number and date of manufacture;</p> <p>(2)At the time of Class II Mobile Gaming software installation and registration, a Class II Mobile Gaming Account shall be issued a unique identification number that shall be recorded by the operation. The Class II Mobile Gaming Device identification number shall not be transferable to a different Class II Mobile Gaming Device;</p> <p>(3)Any player interface must include a method to: (i)Display information to a player; and (ii)Allow the player to interact with the Class II gaming system.</p> <p>(4)Any player interface is restricted to one active log in per session.</p>	<p>While most technological devices have a serial number, this is something that would not be able to be recorded for our records. However, we will require the system to issue a unique identifier to that player owned account to supplement the physical serial number. The software on the patron owned device will be required to display information along with allowing the player to interact with the system. Furthermore, we will require the system to only allow the player interface to be restricted to one active log in per session.</p>
5	<p>25 C.F.R. § 547.16(b)</p> <p>Disclaimers. The Player Interface must continually display:</p> <p>(1)"Malfunctions void all prizes and plays" or equivalent; and</p> <p>(2)"Actual Prizes Determined by Bingo (or other applicable Class II game) Play. Other Displays for Entertainment Only" or equivalent.</p>	<p>*547.16(b)</p> <p>Disclaimers.</p> <p>(1)Except for Class II Mobile Gaming Devices, the Player Interface must continually display:</p> <p>(i)"Malfunctions void all prizes and plays" or equivalent; and</p> <p>(ii)"Actual Prizes Determined by Bingo (or applicable Class II game) Play. Other Displays for Entertainment Only" or equivalent.</p> <p>(2)For Class II Mobile Gaming Devices, the information in subsection (b)(1)(i)-(ii), must be displayed prior to initiating a session.</p>	<p>The information required to be presented to the player will be available at the beginning of the Player session. They will have to acknowledge this information before being allowed to play on their device.</p>
6	<p>25 C.F.R. § 547.16(c)</p> <p>Odds notification. If the odds of winning any advertised top prize exceeds 100 million to one, the Player Interface must display: "Odds of winning the advertised top prize exceeds 100 million to one" or equivalent.</p>	<p>*547.16(c)</p> <p>Odds Notification.</p> <p>(1)If the odds of winning any advertised top prize exceeds 100 million to one, the Player Interface (excluding any Class II Mobile Gaming Device) must display: "Odds of winning the advertised top prize exceeds 100 million to one" or equivalent.</p> <p>(2)For Class II Mobile Gaming Devices, the information required by subsection (c)(1) must be displayed to the player prior to the start of game play.</p>	<p>The information required in this section will be included at the beginning of play and they will acknowledge this before their session will begin.</p>