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May 31, 2017

National Indian Gaming Commission

Vannice Doulou

1840 C St. NW

Mailstop #1621

Washington D.C., 20240

Regarding: Grandfathered Class II Gaming sunset provision

Dear Vannice and Commissioners,

Planet Bingo®, a long-time provider of Class II gaming products to tribal government bingo operations, would like to file this response to the consultation process deciding the fate of the Sunset Provision relative to grandfathered product in the Class II Technical Standards.

It appears that most of the consultation focus has been on grandfathered Class II devices on the 'casino floor,' and we need to point out that there are thousands, possibly tens of thousands, of grandfathered Class II player interfaces deployed in Tribal bingo halls across the land. These are typically in the form of mobile 'handsets' or 'fixed-base' stationary devices in the bingo hall.

Our Company is one of the leading suppliers to tribal bingo operations, and like others in our section of the industry we have a mix of grandfathered and fully certified systems (primarily the player interfaces themselves) in the field.

The problems presented by the Sunset Provision are identical for our side of the gaming operation... the bingo hall... as they are for the casino floor. Here are our specific concerns:



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- 1) Our grandfathered player interfaces (in tribal bingo halls) have been operating without ANY issues since well before the inception of 25 CFR 547. There is no technical reason, or even any logical reason, that we can think of to justify forcing a change where the tribe wants to continue using the products.
- 2) If the Sunset Provision is enforced, it will without question cause both commercial and technical disruption. Many tribes are under current contract that extends beyond the grandfathering sunset date of November, 2018, and many more will be entering into such contracts this year and next. A sunset provision forcing the removal of working grandfathered product could very well impact the commercial terms (new product = new costs) under which the bingo hall operates, as well as lead to potential disruption to game-play if new and fully certified product cannot be delivered in a timely fashion due to demand.
- 3) The costs of the Sunset Provision, based on changing out grandfathered product with new player interfaces in the bingo hall and quite likely the computer and communication infrastructure that supports them, will be an unnecessary burden on both the manufacturers and the tribes, a burden with as yet unforeseen ramifications.

Just last week we met with tribal leaders at the Class II Gaming Summit in Oklahoma, including Matt Morgan from the Chickasaw Nation, Jamie Hummingbird from the Choctaw Gaming Commission and JR Mathews from Quapas Tribe of Oklahoma, to discuss the survey the tribal work group has produced outlining risks and costs associated with the Sunset Provision. While that work focused on grandfathered Class II devices on the casino floor, we find that it applies in principle to the thousands of grandfathered electronic bingo handsets being used to play session bingo in tribal halls across the country.

By way of solutions, our suggestion and preferred resolution would be to see the Grandfathering clause in 25 CFR 547 simply go away: all of our gaming systems will



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be continue to be certified by a recognized test lab and approved by the respective TGRA's without that provision in place.

As a 'next best' option, we would suggest that keeping the Grandfathering clause but evaporating the Sunset Provision would be a viable solution.

In closing, for many tribes playing bingo with electronic card minders, the 'grandfathered' technology they have is working just fine and with established costs, margins, and contractual terms. Those tribes –and their suppliers- at this point have no reason or need to change all of these terms, nor bear the uncertainty of "what will happen to my business in November, 2018?"

We appreciate the consultation process and commentary period from the Commission, and we welcome any questions you may have.

Sincerely,

Eric Casey  
Planet Bingo®  
760 808 6584

*"Planet Bingo's® Mission is to Enrich the lives of our Customers and the Communities they represent by providing World Class Gaming Solutions."*

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