

## GENERAL QUESTIONS

Q. Will the statutory report prepared by the Commission from the responses to the RFI include the full report prepared by Spectrum Gaming Group?

A. The Spectrum Gaming Group [GAMING MARKET STUDY: STATE OF NEW YORK](#) has been publicly available since January 2021. The Report is unlikely to be fully incorporated into the RFI Report.

Q. Will the statutory report prepared by the Commission in response to this RFI “weight” or “prioritize” the Spectrum report?

A. The purpose of the RFI Report is to inform the legislative process regarding the appropriate size and scope of development, the value of the gaming facility license, and the evaluation process that should be used in award consideration. Recall, a change in legislation will be required for the award of the remaining commercial casino licenses.

Q. Will the statutory report group responses by subject/topic area (e.g., all responses to tax rates will be grouped under one section, all responses to site control be grouped under a separate heading) or will responses be presented as received by each individual respondent?

A. No formatting determinations for the RFI Report have been made. It is, however, anticipated that the RFI Report will be organized by topical area.

Q. Is it permissible for a respondent to cite the Spectrum Report?

A. Yes.

Q. If permissible, when citing the Spectrum report may a respondent provide additional and/or alternate information or data? For example, additional or alternate data/information on tax rates, site control, capital investments or local support.

A. Yes. Respondents should utilize and reference any resource they deem useful. Please note that any report or study cited should be submitted if not otherwise publicly available.

Q. Regarding the statutory report, will the Commission be making recommendations on enabling legislation, RFA structure, timeline or any other parameter of Downstate Licensing or simply be summarizing the responses received through this RFI process?

A. The Commission will make recommendations as the purpose of the RFI Report is to inform the legislative process regarding the appropriate size and scope of development, the value of the gaming facility license, and the evaluation process that should be used in award consideration.

Q. Will the Commission be considering the Spectrum Gaming Report's projection for Scenario 4 - that the optimum revenue generating scenario for the State is to retain the existing zone 1 properties as video lottery gaming facilities - and allocate new commercial casino licenses?

A. The Commission has not yet reached any conclusion regarding recommendations.

## SECTION 2.6

Q. Will respondents name or other identifying information be included in the final report?

A. To the extent necessary to describe proposed projects, identifying information will be included.

Q. It is our understanding that a respondent may request that "proprietary information" be redacted from the final report. Is it permissible for a respondent to request that the respondent's name or other identifying information be redacted from the final report?

A. Materials submitted in conjunction with the response to the RFI are public documents. If Article 6 of the New York Public Officers Law allows the redaction, it will be applied.

Q. Under what specific conditions or through what test will the Commission deem a proposed redaction as qualified?

A. The Commission will apply Article 6 of the New York Public Officers Law.

Q. Should respondents provide unredacted and redacted versions separately?

A. The documents should be submitted together.

Q. Outside of Commission staff, who will receive unredacted versions of responses?

A. The Commission has not established its review committee but may use State employees from other agencies to review specific material.

## SECTION 3.2

Q. Will the Commission recognize and consider that not all economic models are equal, and consider more rigorous economic-impact models that will detail a more complete, accurate portrait of a project's impacts?

A. The Commission will review all material submitted. To be useful, all assumptions associated with economic-impact modeling must be provided.

Q. Will the Commission require that all submissions detail the efficacy and methodology inherent in the models that were used to develop their projections?

A. Yes.

## SECTION 3.2.2

Q. Can the Commission comment on the feasibility of reallocating a video lottery gaming facility license elsewhere if a property converts to commercial casino with legislative assent?

A. No, the locations of video lottery gaming facilities were established by statute.

Q. Does the Commission intend to provide a license preference to existing downstate video lottery gaming facilities?

A. The Commission has no present statutory direction regarding additional commercial casino licenses.

## SECTION 3.2.3

Q. If commercial casino licenses are awarded to a video lottery gaming property, would the Commission authorize table games immediately?

A. Terms of a commercial casino license will be considered at the time of a license award.

Q. If a commercial casino license is awarded to a video lottery gaming property, what would be the anticipated transition period?

A. Terms of a commercial casino license will be considered at the time of a license award.

### SECTION 3.2.5

Q. Will support from local community groups and workers factor into consideration?

A. The Commission reminds interested parties that this RFI is not a request for applications or a bid document. The Commission would, however, be interested in feedback from community and labor groups.

### SECTION 3.2.6

Q. Can the Commission provide the gaming tax rates and parameters under which an operator receives certainty on the tax rate for a period (if applicable) which should be assumed for Downstate casinos?

A. No, as the establishment of a tax rate is a statutory function.

Q. Can the Commission provide the potential license term and renewal options available for Downstate casinos which respondents should assume?

A. No, as the establishment of a license term is a statutory function.

### SECTION 3.2.7

Q. Will the final list of criteria be ranked, with points accruing at different levels, based on relative prioritization?

A. The Commission reminds interested parties that this RFI is not a request for applications or a bid document. The purpose of the RFI Report is to inform the legislative process regarding the appropriate size and scope of development, the value of the gaming facility license, and the evaluation process that should be used in award consideration.

Q. Will an applicant's relative history in developing and operating in New York be taken into consideration?

A. The Commission reminds interested parties that this RFI is not a request for applications or a bid document. While experience in New York is important, the Commission has not opined on whether such is important to the forthcoming award process.

Q. Will the Commission consider how a respective applicant can demonstrate how its policies will coordinate and advance multiple criteria?

A. The Commission reminds interested parties that this RFI is not a request for applications or a bid document. The Commission will consider all information provided.

Q. If an applicant can demonstrate how its MWBE/V plans will focus on existing local businesses, thus advancing local interests and garnering local support, will such mutually supportive plans gain additional consideration?

A. The Commission reminds interested parties that this RFI is not a request for applications or a bid document. The Commission will consider all information provided.

Q. The suggested criteria note induced employment, but not indirect employment, which would refer to the impact on hiring by local suppliers to a gaming property. Will such indirect impacts be fully considered?

A. The Commission reminds interested parties that this RFI is not a request for applications or a bid document. The Commission will consider all information provided and a respondent wishing to have indirect employment considered should fully provide the methodology and reliability for the calculation of such employment.

Q. Assuming legislative authorization, does the Commission anticipate issuing a Requests For Proposals after the RFI process has been completed?

A. The Commission will follow the process established by enabling legislation.

Q. If so, what is the expected schedule of the award process?

A. The Commission cannot establish a timeline absent enabling legislation.

### **SECTION 3.2.8**

Q. In providing an estimated timeline for response, development, and eventual operations, can the Commission provide an assumption of when a RFA process would be first announced?

A. The commencement of such a process is not subject to Commission determination.

Q. If authorized by legislation in 2022, what would be the expected timeline for awarding commercial licenses?

A. The Commission cannot establish a timeline absent enabling legislation.

## SECTION 4.2

Q. Would the Commission like hardcopy versions of submissions in addition to electronically transmitted versions?

A. Electronic submission is preferred.

Q. Can the Commission confirm that a response to the RFI is not a prerequisite for any future RFA for Downstate casinos?

A. Confirmed.

Q. Can the Commission confirm that specific locations, development features or partnerships proposed in a RFI response may be illustrative in nature and will not necessarily be featured in a subsequent response to a RFA for Downstate casinos?

A. We understand, however, applicants are advised to submit locations, developments and partners that are realistic, so as to not shape future requirements that are unattainable.

Q. Will RFI responses be reviewed by various teams within the Commission on a topic-by-topic basis or by a single review team in its entirety?

A. Neither the Commission review team nor the review process has been established.

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