



The Mobile Sports Wagering Platform Provider and Commercial Casino Relationship	
1.	<p>What connection between Mobile Sports Wagering and commercial casinos may be expected?</p> <p>A commercial casino must serve as a host for Mobile Sports Wagering servers and equipment.</p>
2.	<p>For example, can deposits or withdrawals be made in person at a commercial casino?</p> <p>Any further interaction between a Mobile Sports Wagering Licensee and the Commercial Casino is at the discretion of those parties, subject to Commission approval.</p>
3.	<p>Where will a platform provider server be located?</p> <p>Each server is to be physically located upon the premises of a commercial casino. The commercial casino(s) that host servers will be at the discretion of the Commission.</p>
4.	<p>How can a platform provider be assured of security for the servers they locate at a commercial casino?</p> <p>A platform provider must collaborate with the commercial casino housing their server to establish procedures to ensure the security of their systems.</p>
5.	<p>How will employees or contractors of a platform provider be able to gain access to their server at a commercial casino?</p> <p>The Commission will ensure procedures are emplaced to allow access by employees and contractors who have been lawfully registered with the Commission.</p>
6.	<p>Does a platform provider get to pick at which commercial casino their server will be located?</p> <p>No.</p>
7.	<p>If additional commercial casino licenses are awarded downstate, will platform providers be able to relocate their servers?</p> <p>The Commission will determine server location. Movement is not contemplated.</p>
8.	<p>How long must a server be in service at a location before relocation will be allowed?</p> <p>The Commission will determine server location. Movement is not contemplated.</p>

The Request For Applications Process	
1.	<p>As the mobile sports wagering market matures, will future operators be authorized?</p> <p>No, not under the Commission’s interpretation of present law.</p>

2.	<p>May platform providers apply together?</p> <p>Yes. If platform provider A and platform provider B submit as a single bid, \$50 million must be submitted. If platform provider C is added to the single bid, then \$75 million must be submitted.</p>
3.	<p>What protections will be put in place so that a platform provider which also owns an "operator" will not seek to exclude other operators from its platform?</p> <p>A platform provider owns its own bid and can include or exclude operators at its discretion.</p>
4.	<p>Can operator A and operator B submit under a single bid to make a more attractive offer to the State? Operators A and B each have their own independent player account management system and sports trading system. The systems operated two operators would not be integrated and would be separate and distinct consumer facing brands, offering unique marketing and pricing to bring variety. Would the joint bid have to have the same tax rate?</p> <p>The platform provider(s), not the operator(s), make the bid. It appears the question is asking if there could be two separate platform providers with different operators attached to these platforms; the answer is yes. There is a \$25 million license fee per platform provider. A single joint bid cannot have different tax rates for different platform providers.</p>
5.	<p>Will the Commission post scores of all bidders once a determination has been made?</p> <p>The Commission will abide by the requirements of the N.Y. State Finance Law.</p>
6.	<p>Will the Commission use the full 150 days to award a license?</p> <p>The Commission will make all reasonable efforts to expedite the award process but is unable to determine the time required in advance.</p>
7.	<p>Is it expected that a platform provider will be required to disclose their financial arrangement with skins?</p> <p>It is presently unknown whether the RFA will require disclosure, however submission for verification following selection of the platform provider will likely be a license requirement.</p>
8.	<p>Since four operators are already partnered with commercial casinos (DraftKings, FanDuel, Bet365, and BetRivers) is there really opportunity for additional players?</p> <p>Contracts between commercial casinos and operators of their in-house sports wagering will have no relevance to the RFA. The RFA is open to <u>all</u> qualified platform providers and operators, and awards will be made to the highest scoring applicants.</p>
9.	<p>Is the Commission intending on releasing the RFA on July 1, 2021 or might it be released earlier?</p> <p>The Commission will make all efforts to expedite the process but is unable to provide a specific timeline.</p>
10.	<p>Will information regarding RFA content be made available prior to its issuance to assist interested parties in crafting their responses?</p> <p>No.</p>
11.	<p>Is it the intention of the Commission to issue approval to winning "platform providers" and see how the market goes then add more, or if the State were to receive compelling bids from more than two "platform providers" that make sense for the State, would they all receive approval at the same time?</p> <p>After reviewing all proposals, the Commission will determine the optimum number of licenses to award that will maximize revenue to the State.</p>
12.	<p>Can the winning bids be awarded prior to the conclusion of the 150 days?</p>

	The Commission will make all efforts to expedite the process but is unable to provide a timeline at this point.
13.	When will the scoring criteria for the RFA be released? Scoring criteria will be released with the RFA.
14.	Once platform providers are selected, will results of the final scoring be made public? The Commission will abide by the requirements of the N.Y. State Finance Law.
15.	Is there a timeframe that is known or contemplated for the release of regulations and would that happen prior to the RFP being released and what opportunity will there be for stakeholders to comment on draft regulations? It is expected that the initial drafts of mobile sports wagering regulations will be made public no later than the released date of the RFA. Traditionally, for major rulemaking the Commission has sought industry comment, pre-publication.
16.	Will the Commission select two platform providers and four mobile sports wagering operators? The Commission must select a minimum of two platform providers and four mobile sports wagering operators.
17.	Can a platform provider or operator utilize existing applications available in other States? Yes, if the applications otherwise meet requirements of New York statute and regulations.
18.	For the market analysis under N.Y. Racing, Pari-Mutuel Wagering and Breeding Law § 1367-a(7)(c)(i), is there a preferred vendor(s)? No.
19.	Will this analysis be done by the Commission or by an applicant? The Commission will be reviewing the market analysis conducted by an applicant.
20.	Is it possible for any one component of the tech stack that makes up a Mobile Sports Wagering Platform, e.g. a player account management (PAM) or an event wagering/risk management system provider to be featured in multiple bids? Vendors that provide services to multiple platforms and operators can be included in multiple applications.
21.	Can an entity apply for the platform provider license and apply to be a “skin” in another entity’s platform provider bid? Yes.
22.	Can a platform provider or operator be included in more than one bid? Yes. However, if an operator is in more than one bid, the selection committee would have to rescore the bids if an operator(s) was included in the highest rate bid and therefore would now have to be considered excluded in any bids thereafter.

Tribal Gaming Considerations	
1.	Must an operator partner with a Native American Nation or their operator simply reach a revenue share agreement with a Nation to receive additional points?

	An operator that has a revenue share agreement with compacted Nation(s) or Tribe(s) will receive additional point consideration when its bid is scored.
2.	How will the State reconcile that under Indian Gaming patrons are allowed at 18 years of age, when there is a 21 years of age limitation in the Mobile Sports Wagering statute? The State will not be reconciling the age disparity.
3.	Can mobile sports wagers be taken from inside a tribal exclusivity zone? State law specifies that the wager occurs where the server is located. No servers will be located on Indian lands therefore by operation of law no wagering activity will take place on Indian land or within their exclusivity zones.
4.	Does the Commission plan to award more, fewer or equal points to applicants who give the tribal entities a revenue share versus applicants who actually run a sportsbook for a tribal entity? The question confuses the tribal aspect of the statute. RFA scoring points will only be awarded to an operator that has a revenue sharing agreement in relation to mobile sports wagering. An agreement with a compacted nation or tribe to operate a brick and mortar sportsbook is independent from the mobile sports wagering RFA.
5.	What impact, if any, does tribal lands or exclusivity zones have on products offered through platform providers? Please see answer to Question 3.
6.	What are the implications, if any, that tribal lands or exclusivity zones have on the revenue share that tribes can receive from “platform providers?” The terms of a revenue sharing agreement between a Nation/Tribe and a platform provider are determined between the parties to the agreement.

Tax Rate and Fee Considerations	
1.	If more than two platform providers are selected, how will the tax rate be determined? The tax rate will be determined by the highest rate bid by an Applicant based on the rate provided for the number of providers awarded.
2.	What graduated tax rate is expected under N.Y. Racing, Pari-Mutuel Wagering and Breeding Law § 1367(7)? The tax structure will be determined through the competitive bidding process based on the rates providing the highest return to the State among the highest scoring applicants.
3.	If a platform provider who included more than one mobile sports wagering operator was given the opportunity to modify their bid to increase the gross gaming revenue share percentage, but not all of the mobile sports wagering operator(s) associated with that bid agreed to increase their gross gaming revenue share percentage, could the platform provider still be considered for approval if the modified bid contained less mobile sports wagering operator(s) compared to what was initially submitted? Language in N.Y. Racing, Pari-Mutuel Wagering and Breeding Law § 1367-a(7)(d) states

	<p>that operators cannot be added to a “platform provider’s” bid in this scenario, but nothing is mentioned for a situation where operator(s) are removed.</p> <p>Distribution of internal revenue is subject to agreement between a platform provider and an operator. All operators included in an application must remain part of the application.</p>
4.	<p>Who is responsible for paying the tax?</p> <p>The platform provider.</p>
5.	<p>With respect to the cost of the annual report on mobile sports wagering and problem gamblers pursuant to N.Y. Racing, Pari-Mutuel Wagering and Breeding Law § 1367-a(6), how will that cost be distributed among the mobile sports wagering licensees?</p> <p>Detail regarding the cost assessment for the annual report will be detailed in forthcoming regulation.</p>
6.	<p>Will these costs be assessed evenly or on a pro-rata basis related to mobile sports wagering handle or mobile sports wagering gross gaming revenue?</p> <p>Detail regarding the cost assessment for the annual report will be detailed in forthcoming regulation.</p>
7.	<p>Is there a cost for locating a server?</p> <p>Platform providers are jointly required to make a cumulative annual payment of \$20 million, to the four commercial casinos (or \$5 million per commercial casino), as a server and equipment hosting fee. This hosting fee is required regardless of the actual number of servers or sites used. Additionally, each platform provider will be singularly responsible for its own reasonable and actual costs.</p>
8.	<p>How will the hosting fee be paid to the commercial casinos?</p> <p>Platform providers shall jointly pay the annual aggregate \$20 million hosting fee. The Commission will facilitate with the administration of the payments.</p>
9.	<p>What if there are only two platform providers?</p> <p>The \$20 million fee will be equitably apportioned between the number of platform providers selected. For instance, if there are two providers, then each will be obligated to make \$10 million in cumulative annual payments, which equates to \$5 million each for the four commercial casinos.</p>
10.	<p>Will casinos have to bid to host server? If so, how will these be determined? Will some casinos be left out?</p> <p>No. Pursuant to N.Y. Racing, Pari-Mutuel Wagering and Breeding Law § 1311(3) each commercial casino is required to house mobile sports wagering platform provider servers in exchange for an annual fee of \$5 million, plus reasonable and actual costs as determined by the Commission. Selection of the commercial casino where a platform provider houses their server is to be made by the Commission.</p>
11.	<p>What are “reasonable and actual costs” that a licensee would be entitled to for hosting a server? Is it in addition to the \$5 million?</p> <p>Reasonable and actual costs are those associated with modifications, upgrades, or improvements to the commercial casino required to physically locate and secure the platform provider’s servers and equipment, along with any ongoing utility and infrastructure costs directly resulting from the commercial casino’s operations. They</p>

	will also include the Commission’s mobile sports wagering regulatory costs. These costs are in addition to the hosting fee.
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Licensing Matters	
1.	Will an operator be required to pay a licensing fee? No.
2.	Will a platform provider be required to pay a licensing fee? Pursuant to N.Y. Racing, Pari-Mutuel Wagering and Breeding Law § 1367-a(3), each platform provider is required to pay a one-time fee of \$25 million.
3.	Will platform providers or operators need to secure a commercial gaming license as result of the servers being located at commercial properties? If so, what are these expenses? Both platform providers and operators will be required to be licensed as a Casino Vendor Enterprise by the Commission. Expenses will be determined in accordance with Commission Rule 5303.13 (a).
4.	Which, if any, employees of a platform provider or sports wagering operator will be required to obtain a Commission gaming license? Please refer to Commission Rules Parts 5303 through 5307.
5.	Apart from platform providers and operators, will the Commission seek to license other types of companies that support or provide ancillary services platform providers and operators? Please see answer to Question 4.
6.	Will the Commission provide guidance on what service providers will require licensing and/or registration? Please see answer to Question 3.
7.	Will the Commission provide guidance on the various levels of licensure and/or registration? Please see answer to Question 4.

Mobile Sports Operation	
1.	What is the role of a platform provider? A platform provider must provide a system that, among other functionality, performs the acceptance and registration of all wagers; generation of all electronic wagering tickets; computation of wagering in the pool and payoffs; maintains records of all wagering activities; and generation of all reports required by the Commission.
2.	Can a company be both a platform provider and an operator? Yes.
3.	What is global risk management?

	Global risk management is generally the consultation, management, direction, or instruction for purposes of managing risks associated with sports wagering. It may include the setting and adjustment of a sports proposition, including lines, odds, point spreads, or other activity of sports wagering initially set, and the determination of whether to change such. Additionally, global risk management may provide guidance on whether to accept or reject wagers, to accept wagers, or to lay off wagers.
4.	<p>What is the approval process for wagers?</p> <p>Proposed wagers must be submitted to the Division of Gaming, which will assess the proposal based on factors including expected interest, susceptibility to corruption, league particulars, how presented in other jurisdictions, and the manner of outcome determination.</p>
5.	<p>Can an individual have multiple accounts, so long as the accounts are with different operators?</p> <p>Yes.</p>
6.	<p>Can a platform provider offer multiple types of wagering options (e.g. fixed-odds, parimutuel sport, exchange)?</p> <p>No, only fixed-odds wagering is permitted.</p>
7.	<p>Are platforms supposed to be consumer facing?</p> <p>No. The operators (skins) will be consumer facing. A platform is the back-of-house system accepting and recording transactions initiated through the skin applications.</p>
8.	<p>Can a customer maintain a single wallet that can be used to fund wagers on the various operators maintained on a platform?</p> <p>Yes, provided all statutory and regulatory requirements can be satisfied</p>
9.	<p>What protections will be built into the mobile sports wagering system to guard against predatory behavior of the operators such as a failure to honor bets, opaque line setting, price gouging and unfair bet size limitations?</p> <p>Operators will be required to follow the statutory and regulatory requirements for offering Mobile Sports Wagering. A failure to maintain compliance may result in Notice of Violations, monetary fines or revocation of license. Additionally, N.Y. Racing, Pari-Mutuel Wagering and Breeding Law § 1367-a(4) requires a framework for patron complaint and resolution.</p>
10.	<p>Do operators need to use all aspects of the platform provider, or just some of their technology?</p> <p>Operators must utilize the platform for the acceptance and processing of wagers. Utilization of technology beyond the required wagering transaction processing will be at the discretion of a platform provider.</p>
11.	<p>Will operators be allowed to deduct free play and promotions from gross gaming revenue?</p> <p>No.</p>
12.	<p>Will operator advertisements and promotions be subject to an approval process?</p> <p>Advertising and promotions will be subject to the same approval process as required for commercial casinos.</p>
13.	<p>Can a Mobile Sports Wagering patron deposit \$2,499.00 in multiple operator accounts to avoid the \$2,500.00 acknowledgement threshold?</p>

	Yes, however an operator should implement acknowledgement procedures if they know or should have known that the patron has taken action specifically designed to circumvent the threshold.
14.	<p>We have read about Mobile Sports Wagering being operated by the Division of Lottery but cannot locate this language in the statute. Is the Lottery involved?</p> <p>The Division of the Lottery was used publicly as an example. The State uses vendors to offer lottery games. Similarly, the State will license at least two platform providers to offer mobile sports wagering following a competitive bidding process.</p>
15.	<p>How many individual e-wallets can a Mobile Sports Wagering patron have?</p> <p>A patron may deposit and withdraw funds to and from their account with an operator through electronically recognized payment methods, including but not limited to credit cards and debit cards, or via any other means approved by the Commission. N.Y. Racing, Pari-Mutuel Wagering and Breeding Law § 1367-a(4)(a)(i) limits the number of accounts per patron to one account with any operator.</p>
16.	<p>Will an operator be subject to losing their license if the volume of their business is lower than projected?</p> <p>Possibly, if an applicant is found to have provided intentionally misleading information regarding their revenue projections.</p>
17.	<p>What company will be responsible for geofencing?</p> <p>Platform providers and operators will need to ensure compliance with all applicable federal laws.</p>
18.	<p>If an operator chooses to make a lay off wager, will such be required to be made within New York State?</p> <p>No, provided the wager is made in compliance with all applicable federal laws.</p>
19.	<p>Will wagers on horse racing be permitted?</p> <p>No.</p>
20.	<p>Can a “platform provider” as defined in N.Y. Racing, Pari-Mutuel Wagering and Breeding Law § 1367(1)(a), include more than one “mobile sports wagering operator[s]” pursuant to N.Y. Racing, Pari-Mutuel Wagering and Breeding Law § 1367(1)(l), in its bid, that do not share a player account management system or any other technology whatsoever, provided all other statutory requirements are satisfied?</p> <p>Yes, required utilization of a platform is limited to those functions necessary to accept and process a wager. Further utilization is subject to agreement between a platform provider and an operator.</p>
21.	<p>Does the Commission have a target timeframe in mind for when they would like Mobile Sports Wagering to launch?</p> <p>The Commission has no preference but will seek to have the system operational as soon as practicable.</p>
22.	<p>Can patrons have separate accounts with every “mobile sports wagering operator,” pursuant to N.Y. Racing, Pari-Mutuel Wagering and Breeding Law § 1367(1)(l), contained within a “platform provider’s” winning bid, regardless of whether or not player account management or sports trading system software is shared by the “mobile sports wagering operator(s)?”</p>

	Yes, provided that a shared player account management system maintains segregated account information for each operator.
23.	Do the “mobile sports wagering operator(s)” that are part of the same “platform provider” need to launch at the same time or is there flexibility on launch times? No, each operator on a platform provider may launch independently of other operators on the platform. However, a timeline for the launch of each must be provided by the platform provider.
24.	What kind of monitoring will the Commission conduct on back-of-house operations? The scope of the Commission’s monitoring will be reflected in forthcoming regulation.
25.	There appears to be no allowance of horse racing with mobile sports wagering and no integration of existing online horse racing advance deposit wagering systems. Are applicants authorized to propose online horse racing as part of their bid or integration with existing advance deposit wagering applications or providers? See answer to Question 19.
26.	How is the Commission defining a preference for official league data? The preference will be detailed in forthcoming regulation.
27.	Will operators be required in certain circumstances to use official league data? The preference will be detailed in forthcoming regulation.
28.	Will the Commission’s list of self-excluded patrons be incorporated by mobile sports wagering operators, or will the Commission create a new list strictly for mobile wagering purposes? Mobile sports wagering self-excluded persons will be integrated into the Commission list.
29.	What information must an operator include in its initial response to a patron complaint, which is required within 48 hours of receipt of the complaint? Detail regarding complaint response will be detailed in forthcoming regulation.
30.	May operators allow patrons to sign up for and/or fund accounts in advance of the Commission’s approval to commence wagering operations? Commencement of mobile sports wagering related activity will likely be addressed in condition of license.
31.	May operators allow patrons to deposit into their accounts with cash at locations approved by the Commission? The method and locations of funding accounts will be detailed in forthcoming regulation.
32.	How will the statutory official league data preference impact existing data providers who taken steps to become a licensed Casino Vendor Enterprise and already provide data feeds, including official league data, to live sports wagering operations in commercial casinos? The relationship between the current casino vendor licensees and commercial casinos will likely not be diminished but could be expanded.
33.	Which stakeholders in the supply chain will have the burden to prove that data other than from official leagues, is justified to the satisfaction of the Commission? An operator must illustrate the manner in which a wager is to be settled. It is within that context that use of official league data will be considered.

34.	<p>Will the "preference" for official league data apply to all wagers or only in-play wagers? The preference will be detailed in forthcoming regulation.</p>
35.	<p>The mobile sports wagering authorization allows for acceptance of debit and credit cards to fund wagering accounts. To create payment parity between mobile sports wagering and retail sports wagering, is it anticipated that those same provisions will be extended to retail sportsbooks? No. Consideration of parity has not yet been contemplated.</p>
36.	<p>N.Y. Racing, Pari-Mutuel Wagering and Breeding Law § 1367-a(5)(b) provides that sports bettors may fund and withdraw from the mobile sports wager account through “electronically recognized payment methods, including but not limited to credit cards and debit cards, or via any other means approved by the commission.” Other U.S. regulated jurisdictions have specifically included financial instruments such as open loop prepaid cards as defined by FinCEN as approved payment methods. Does the Commission intend to provide a list of defined “electronically recognized payment methods” through the RFP or rule making process? Recognition of electronically recognized payment methods will be detailed in forthcoming regulation.</p>
37.	<p>Pursuant to N.Y. Racing, Pari-Mutuel Wagering and Breeding Law §1367(12)(i)(iv), how does the Commission intend to collect information regarding prohibited sports bettors and ensure that a person on such list is prohibited from wagering? This will be detailed in forthcoming regulation.</p>
38.	<p>Will the Commission issue any enforcement guidance, strategies or coordination related to reducing illegal and offshore market access within New York state? The Commission is a regulatory agency with no criminal law enforcement powers thus no guidance is anticipated.</p>

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