



CITY OF PHILADELPHIA

LAW DEPARTMENT
One Parkway
1515 Arch Street
Philadelphia, PA 19102-1595

SHELLEY R. SMITH
CITY SOLICITOR

RICHARD FEDER
CHIEF DEPUTY
CITY SOLICITOR

(215)-683-5013

April 22, 2008

VIA HAND DELIVERY

John Person, Deputy Prothonotary
Office of the Prothonotary
Pennsylvania Supreme Court
Room 468, City Hall
Philadelphia, PA 19107

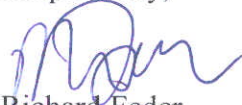
Re: *Fumo v. City of Philadelphia*, No. 207 EM 2007
City Council v. City of Philadelphia, No. 208 EM 2008

Dear Mr. Person:

On behalf of Respondent City of Philadelphia, we have no objection to the filing of Mr. Jacoby's letter of April 21, 2007, on behalf of HSP Gaming, clarifying the record in response to inquiry from the Court at oral argument. In the same regard, we note two other points in the record about which the Court made inquiry at oral argument:

1. The testimony before the Gaming Control Board of Neil Bluhm, HSP's Chairman, that HSP would seek any authority to use submerged lands *from the Commonwealth -- either from the Administration pursuant to pending State legislation or directly from the General Assembly --* can be found in the record at Exhibit A to the City's Consolidated Brief in Response to HSP's Applications for Summary Relief, Ancillary Relief and a Stay (February 1, 2008), at 96:7 to 97:14.
2. There is nothing in the record even suggesting, let alone evincing, the issuance by the City of any riparian licenses after the enactment of the Dam Safety and Encroachments Act in 1978. Mr. Cozen's suggestion at oral argument that he has heard "anecdotally" of some such license issuances has no support in the record and, to our knowledge, has no support in fact.

Respectfully,



Richard Feder,
Chief Deputy (Appeals)



Mark R. Zecca
Divisional Deputy (Special Litigation)

cc: James W. Christie, Esquire (Via Email)
Brian C. Vance, Esquire (Via Email)
Stella M. Tsai, Esquire (Via Email)
Matthew H. Shusterman, Esquire (Via Email)
Amy B. Ginensky, Esquire (Via Email)
A. Michael Pratt, Esquire (Via Email)
Robin P. Sumner, Esquire (Via Email)
David D. Dzara, Esquire (Via Email)
Catherine M. Recker, Esquire (Via Email)
Robert Eugene Welsh, Esquire (Via Email)
Christopher B. Craig, Esquire (Via Email)
Richard A. Sprague, Esquire (Via Email)
William Lamb, Esquire (Via Email)
F. Warren Jacoby, Esquire (Via Email)
Stephen A. Cozen, Esquire (Via Email)