

# Encore®

## BOSTON HARBOR

August 3, 2020

Massachusetts Gaming Commission  
101 Federal Street, 12<sup>th</sup> Floor  
Boston, MA 02110

Dear Commissioners:

In accordance with 205 CMR 139.06(2), Wynn MA, LLC ("Wynn") hereby certifies that as of the date of the quarterly report for Encore Boston Harbor for the second quarter of 2020 ("Q2"), Wynn has:

(a) maintained for Q2, and has the ability to maintain for the upcoming quarter, a gaming bankroll or equivalent provisions adequate to pay winning wagers to gaming patrons when due;

(b) paid in Q2 and has the ability to pay when due all local, state and federal taxes, including the tax on gross gaming revenues imposed by M.G.L. c. 23K, § 55 and any fees imposed under M.G.L. c. 23K or 205 CMR;

(c) the ability to make annual capital expenditures to its gaming establishment in a minimum aggregate amount equal to 3.5% of the net gaming revenues derived from the establishment or in accordance with a multi-year capital expenditure plan approved by the commission pursuant to M.G.L. c. 23K, § 21(a)(4) and 205 CMR 139.09; and

(d) the ability to pay, exchange, refinance or extend debts, including long-term and short-term principal and interest and capital lease obligations, which will mature or otherwise come due and payable during the license term, or to otherwise manage such debts and any default with respect to such debts.

Please accept my signature below as an attestation that the foregoing certification is true and accurate.

Sincerely,



Allison Rankin  
Chief Financial Officer