
approving the Authority's proposed rules.⁹

The Federal Register Notices that published the proposed rules for public comment all mentioned that the Commission is open to receiving petitions from the public for rulemakings and described the method for filing such a petition under Commission Rule 1.31.¹⁰ Those Notices were correct at the time in describing the narrower rulemaking power of former § 3053(e), but they are now outdated. For the avoidance of doubt, this Order clarifies that the Commission now has a broader rulemaking power with respect to horseracing rules such that it can exercise its own policy choices whenever it determines that the Authority's proposals, even if consistent with the Act, are not the policies that the Commission thinks would be best for horseracing integrity or safety. In addition to exercising that power whenever the Commission itself believes that doing so would be necessary or appropriate, the Commission is also open to hearing from interested persons who believe the promulgation, deletion, or modification of a rule is necessary or appropriate. Such persons may file a petition for a rulemaking with the Commission by following the procedures of Commission Rule 1.31.

For the preceding reasons, the Commission RATIFIES its previous Orders approving the Authority's proposed rules on Racetrack Safety, Enforcement (as modified), Assessment Methodology, and Registration.

By the Commission, Commissioner Wilson abstaining.

April J. Tabor
Secretary

⁹ See *supra* nn. 1–5. These rules are enforceable except in particular circumstances where enforcement is currently enjoined by court order.

¹⁰ 16 C.F.R. § 1.31.