



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

June 3, 2008

Michael Dillon
[REDACTED]

Manchester, NH 03104

**Re: FOIA-2008-00448
Fairbanks Capital Corp.**

Dear Mr. Dillon:

This is our second partial response to your Freedom of Information Act (FOIA) request seeking access to information about Fairbanks Capital Corporation and Select Portfolio Corporation. I understand that in a telephone conversation on May 27, 2008, with Richard Gold of my staff, y [REDACTED] agreed to grant the Commission additional time to respond to your request. Thank you for that informal extension of the FOIA's time limits. We plan to send weekly responses until we have completed our review of all responsive records.

For this current response, we have located and completed our review of an additional 55 boxes of responsive records. I am granting partial access to and am enclosing copies of, the accessible records. Approximately 54 boxes, and portions of other pages, fall within the exemptions to the FOIA's mandatory disclosure requirements, as explained below.

I am denying access to approximately 54 boxes of the responsive records under FOIA Exemption 3, 5 U.S.C. § 552(b)(3), because they are exempt from disclosure by another statute. Specifically, Sections 21(b) and (f) provide that the FTC may not disclose information it obtains in a law enforcement investigation pursuant to compulsory process or voluntarily in lieu thereof. 15 U.S.C. § 57b-2; *see A. Michael's Piano, Inc. v. FTC*, 18 F.3d 138 (2d Cir. 1994).

Second, some responsive records contain staff analyses, opinions, and recommendations. Those portions are deliberative and pre-decisional and are an integral part of the agency's decision making process. They are exempt from the FOIA's disclosure requirements by FOIA Exemption 5, 5 U.S.C. § 552(b)(5); *see NLRB v. Sears, Roebuck & Co.*, 421 U.S. 132 (1975). Additionally,

Third, we have located responsive complaints that consumers have sent to the Federal Trade Commission ("FTC"). You should know that the enclosed complaints have not necessarily been verified by the FTC. Therefore, you should make your own judgment about relying on the information provided. I am denying access to consumers' names and addresses, and any other identifying information found in the complaints. This information is exempt from release under FOIA Exemption 6, 5 U.S.C. § 552(b)(6), because individuals' right to privacy outweighs the general public's interest in seeing personal identifying information. *See The*

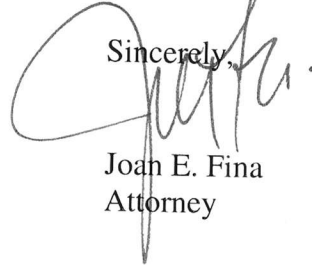
Page 2

Lakin Law Firm v. FTC, 352 F.3d 1122 (7th Cir. 2003).

If you are not satisfied with this response to your request, you may appeal by writing to Freedom of Information Act Appeal, Office of the General Counsel, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington D.C. 20580, within 30 days of the date of this letter. Please enclose a copy of your original request and a copy of this response. If you believe that we should choose to disclose additional materials beyond what the FOIA requires, please explain why this would be in the public interest.

We expect to send our next partial response within five business days. If you have any questions about the way we are handling your request or about our FOIA regulations or procedures, please contact Richard Gold at (202) 326-3355.

Sincerely,

A handwritten signature in black ink, appearing to read "Joan E. Fina", is written over the word "Sincerely,".

Joan E. Fina
Attorney

Enclosures