



1700 G Street, NW, Washington, DC 20552

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IN RE GREAT PLAINS LENDING, LLC,  
MOBILOANS, LLC & PLAIN GREEN,  
LLC

2012-MISC-Great Plains Lending-0002

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**DECISION ON REQUEST FOR CONFIDENTIAL TREATMENT  
OF JOINT PETITION BY GREAT PLAINS LENDING, LLC,  
MOBILOANS, LLC, AND PLAIN GREEN, LLC, CONCERNING CIVIL  
INVESTIGATIVE DEMAND ISSUED TO THINK FINANCE, INC.<sup>1</sup>**

This matter comes before the Consumer Financial Protection Bureau on a request by Great Plains Lending, LLC, Mobiloans, LLC, and Plain Green, LLC (together, Petitioners) for confidential treatment associated with a petition to set aside a civil investigative demand (CID) issued by the Bureau to Think Finance, Inc. (Think Finance). As discussed below, the request for confidential treatment is denied because Petitioners have failed to demonstrate good cause for omitting their petition or the Director’s order in response thereto from the public record.

**STATEMENT OF FACTS**

On June 12, 2012, the Bureau issued CIDs for answers to interrogatories and production of documents to Think Finance and each of the Petitioners. On July 17, 2012, Petitioners filed a joint petition to set aside the CID issued to Think Finance (the Think Finance CID). Petitioners included a redacted version of their petition with their names and identifying information blocked out. In a cover letter accompanying the petition, Petitioners requested “confidential treatment of the Joint Petition pursuant to 12 C.F.R. §§ 1080.6(g) and 1018.14 [*sic*], and for advance notice, pursuant to 12 C.F.R. § 1070.46(b) [*sic*], should the Bureau determine that it will

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<sup>1</sup> This order is issued by the Associate Director for Supervision, Enforcement, and Fair Lending pursuant to delegated authority.

disclose or release the Joint Petition or any response thereto by the Bureau.” Petitioners stated that they sought “confidential treatment of their identities because public disclosure of the existence of the investigation would harm their business interests.”

Petitioners contemporaneously filed a joint petition to set aside the CIDs issued to them and requested confidential treatment of that petition. The Bureau denied that request for confidential treatment on September 12, 2013, and it denied the petition on the merits on September 26, 2013.

In the instant request for confidential treatment of their petition to set aside the Think Finance CID, Petitioners advance no arguments or authorities beyond those presented in the request the Bureau denied on September 12, 2013, and there are no new or different facts or circumstances justifying confidential treatment.

## **LEGAL DISCUSSION**

Petitioners bear the burden of showing good cause for confidential treatment of a petition or an order in response thereto under the Bureau’s regulations. 12 C.F.R. § 1080.6(g) (providing that petitions and orders in response thereto are part of the public records of the Bureau unless it “determines otherwise for good cause shown”).

In evaluating whether a petitioner has shown good cause for confidential treatment of all or a portion of a petition to modify or set aside a CID, the Bureau generally employs the standards for withholding material from public disclosure established by the FOIA amendments to the Administrative Procedure Act, 5 U.S.C. § 552. However in particular cases and consistent with 12 C.F.R. § 1080.6(g), the Bureau retains discretion to withhold all or portions of a petition from public disclosure when there is good cause and when the withheld information is not otherwise required by law to be disclosed.

Here, the relevant FOIA exemption is Exemption 4, which permits agencies to withhold otherwise public information when that information is “commercial or financial information obtained from a person and privileged or confidential.” 5 U.S.C. § 552(b)(4). Petitioners have not established that their business names fall within the protections of Exemption 4, and the Bureau’s own examination of the facts presented by Petitioners has disclosed no basis for such confidential treatment. The Bureau also finds that none of the other FOIA exemptions apply to Petitioners’ request for confidential treatment of their identities. 5 U.S.C. § 552(b)(1)-(3), (5)-(6), (8)-(9).

Section 1080.6 grants the Bureau discretion to keep information confidential that is not otherwise required by law to be disclosed even if it does not fall under a FOIA exemption. But Petitioners have not identified any such good cause for withholding their identities, nor does the Bureau find any. Petitioners make only conclusory allegations about potential harm to their respective reputations and business interests. The Bureau has already held that the mere assertion of reputational harm is not sufficient good cause for withholding a petitioner's name under section 1080.6.

For the foregoing reasons, Petitioners' request for confidential treatment of their petition to set aside the Think Finance CID is denied. In order to furnish Petitioners with an opportunity to consider their response to this Decision, notice is hereby given that neither this Decision nor the petition, nor any Decision and Order on the petition, shall be published until at least ten (10) calendar days from the date of this Decision.



Steven L. Antonakes  
Associate Director  
Division of Supervision, Enforcement & Fair Lending

November 26, 2013