



in these markets " its analysis was by necessity constrained by the

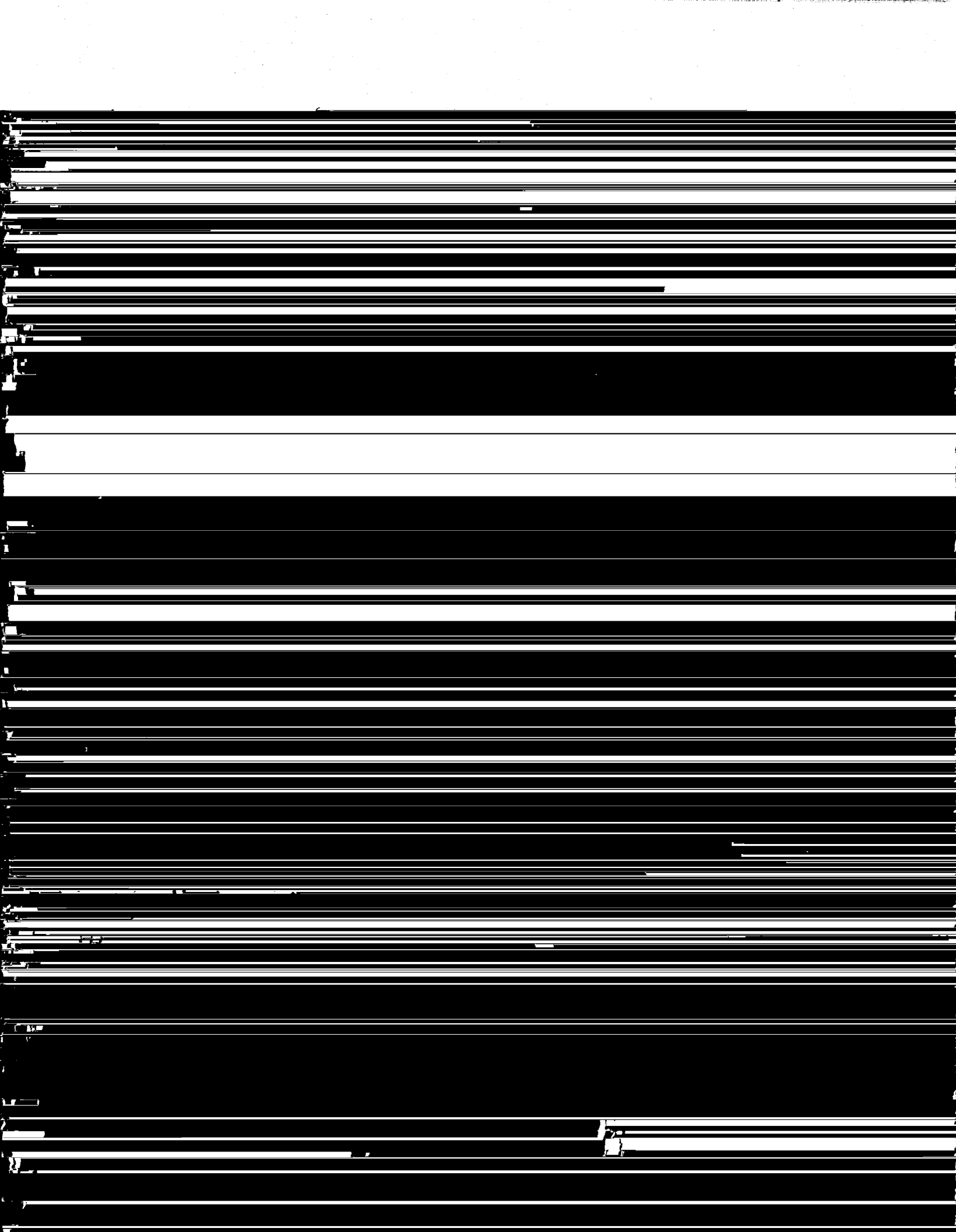
Administrative Law Judge ("ALJ") at trial. Since that date, the competitive landscape has in

fact, undergone a sea-change, rendering inaccurate the Commission's predictions. The best illustration of this can be seen in the context of the LNG tank business.<sup>3</sup>

The marketplace the ALJ was presented with approximately two years ago was essentially dormant – there was little demand for LNG field-erected tanks in the United States

projects. Undaunted by the CR&I/PDM acquisition and market entry, 11

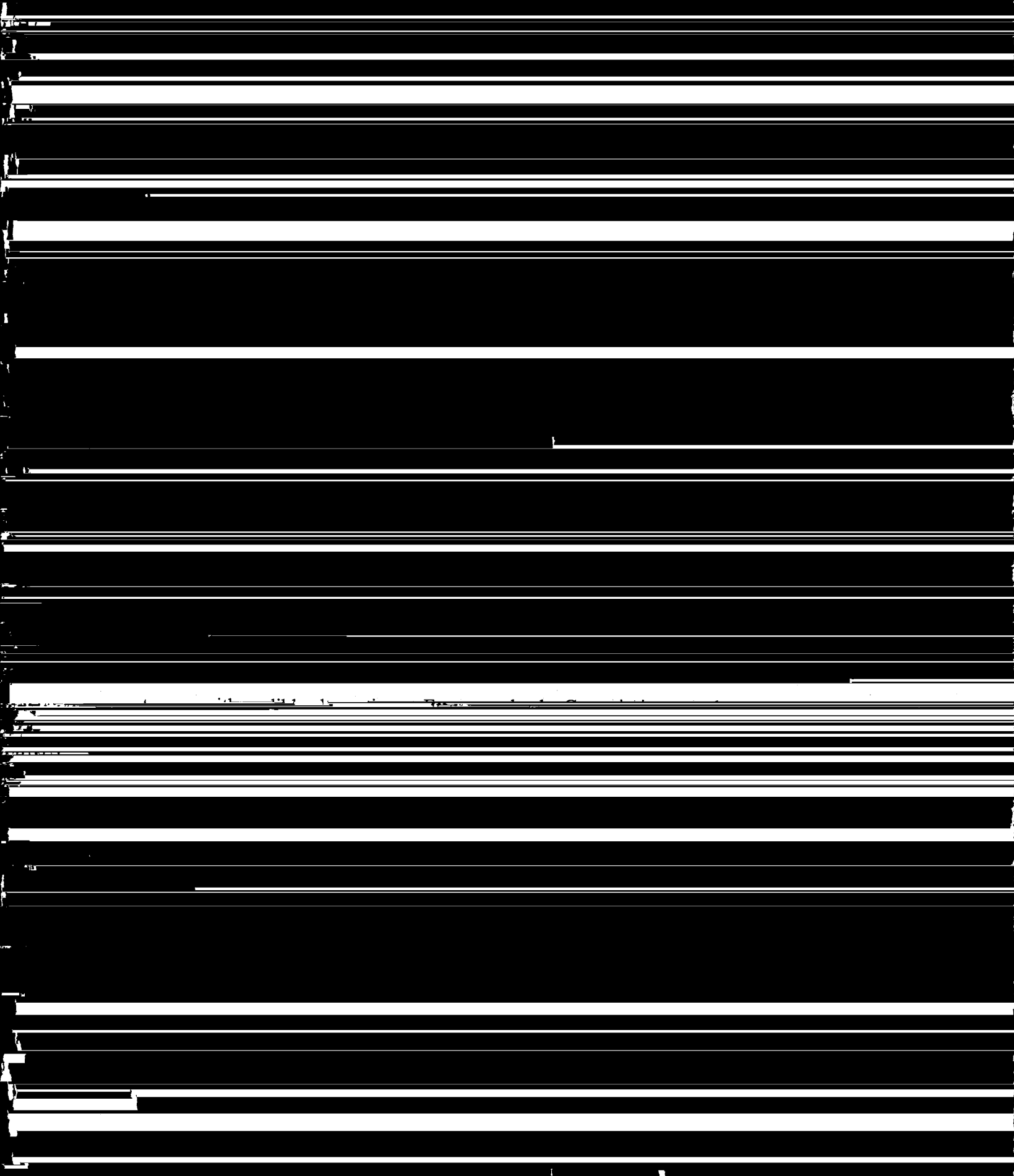
are invested in winning U.S. & C...



evidence of an increase in the scope and number of LINC

new competitors since the acquisition must be considered<sup>8</sup>

construction projects and ultimately predicted that the program would be a success.



At the time of trial, Dynegy was in the process of selecting a tank subcontractor for a new LNG import terminal it planned for Cameron Parish, Louisiana (the "Hackberry Project").<sup>12</sup>

subcontractor for the tank construction job.<sup>13</sup> See Declaration of Michael J. ...

described in the Opinion as not an effective competitor because of its lack of FERC experience.<sup>15</sup>

*See Miles Decl.*

- b. After the Record Closed, CB&I Lost the Cheniere Freeport EPC Contract and Tank Contract to a Firm Described by the FTC as Lacking Any LNG Tank Building Experience.<sup>16</sup>**

After CB&I's acquisition of PDM, CB&I began negotiations with Cheniere Energy, Inc. ("Cheniere"), with the goal of obtaining the EPC contract for the LNG import terminal Cheniere planned for Freeport, Texas. *See Miles Decl.* The planned facility would include two full



with a "construction partner in the United States," Technigaz can no longer be "question[ed] whether it has the skills to transmit [LNG tank building] knowledge to Zachry." Op. at 53 n.323.

- c. **After the Record Closed, CB&I Lost Cheniere's Corpus Christi and Sabine Pass Project EPC Contracts to Bechtel.**

Cheniere is currently developing two new LNG import terminals planned for C

After CR&I submitted a bid to Bechtel, Chemagro announced that MHI/Metric had been

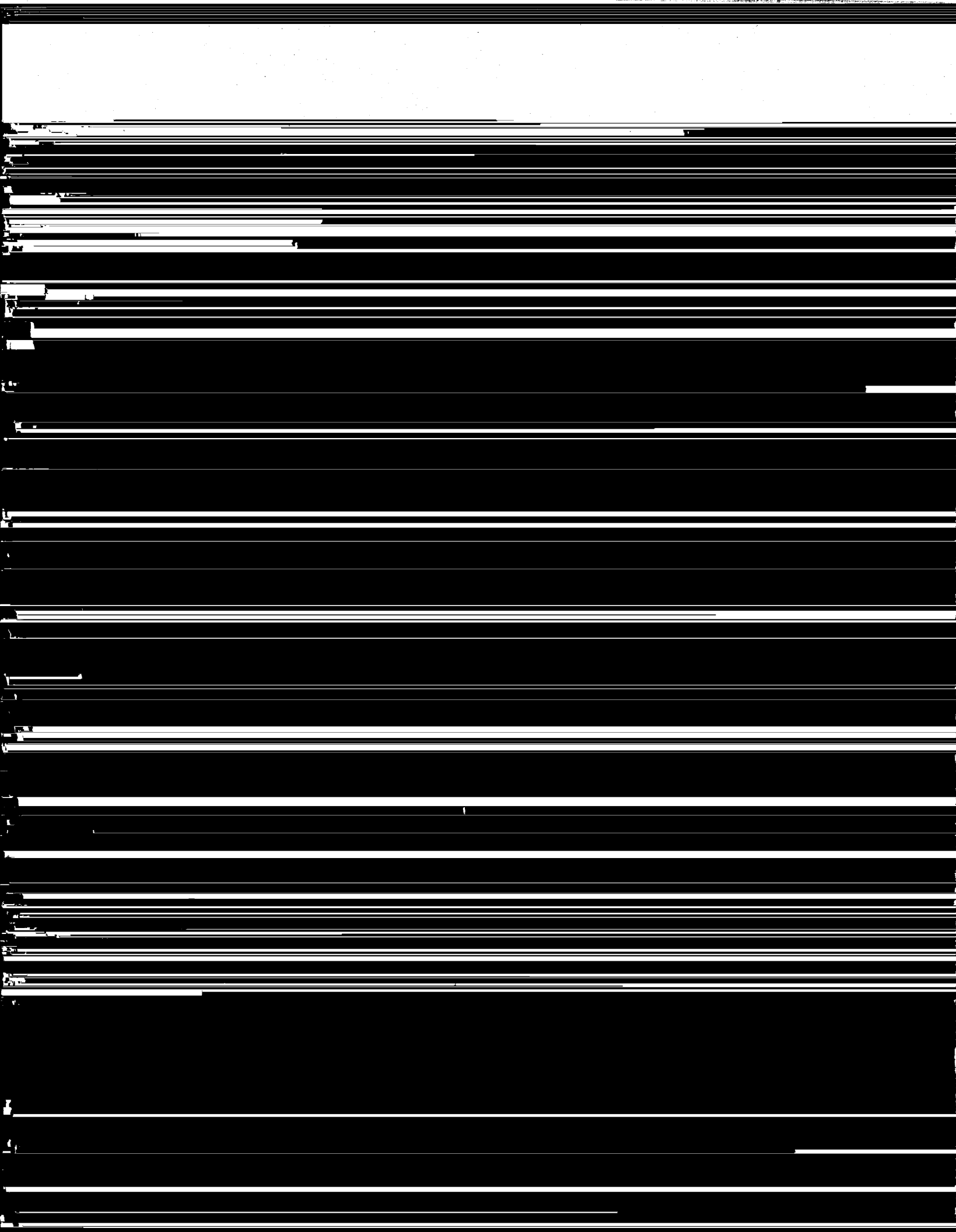
selected as the tank subcontractor on both projects in the United States. MHI also issued a press release announcing the selection, stating:

Issued by CR&I, Inc., a subsidiary of Chemagro Corporation, INC. 1 1 MHI

In addition to those projects in which contract awards have been made, a number of

as it could after the order because final C. I. N. is in C. I. N. 100 F. I. C. 200 (10000)

(Exercising discretion to modify an order or petition in this C. I. N. 100 F. I. C. 200 (10000))



Because neither the Initial Decision nor the remedy requested by Complaint Counsel gave Respondents reason to anticipate the breadth of the remedy imposed by the Commission, Respondents never had the opportunity to address the propriety of such relief.<sup>24</sup> Consequently,

- 1. The Remedy Ordered Does Not Bear a Reasonable Relationship to the Alleged Violations.**

creating a remedy was "to replace the competitor lost from CD & II." (b) (5) - ACP

estimating, bidding, procuring, fabricating, erecting, rehabilitating, or selling any: water storage tank or system; industrial process system . . . ; flat bottom tank; pressure vessel or sphere; low temperature or cryogenic tank or system; vacuum chamber or system; steel plate fabrication

specialty structure, including the Relevant Products" Order at 24. This is a

remedy flies in the face of the Opinion which the Court



Neither the Commission nor the A.I. made factual findings that P

outside of the United States (1) were engaged in constructing the Relevant Products in the United States or (2) were acquired from PDM. Notwithstanding the fact that the Commission

Because the remedy ordered by the Commission is overly broad and therefore not reasonably related to the alleged unlawful conduct, the Respondents request that the Commission

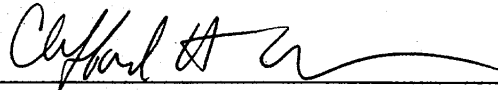
Commission reconsider the remedy contained in its Order.

IV.  
REQUEST FOR STAY

In the event the Petition to Reconsider is denied, Respondents intend to file a motion for a stay of the Commission's Order pending the outcome of their appeal.

Dated: February 1, 2005

Respectfully submitted,



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Clifford H. Aronson  
SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

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Charles W. Schwartz  
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1600 Smith. Suite 4400

Houston, TX 77002-7348  
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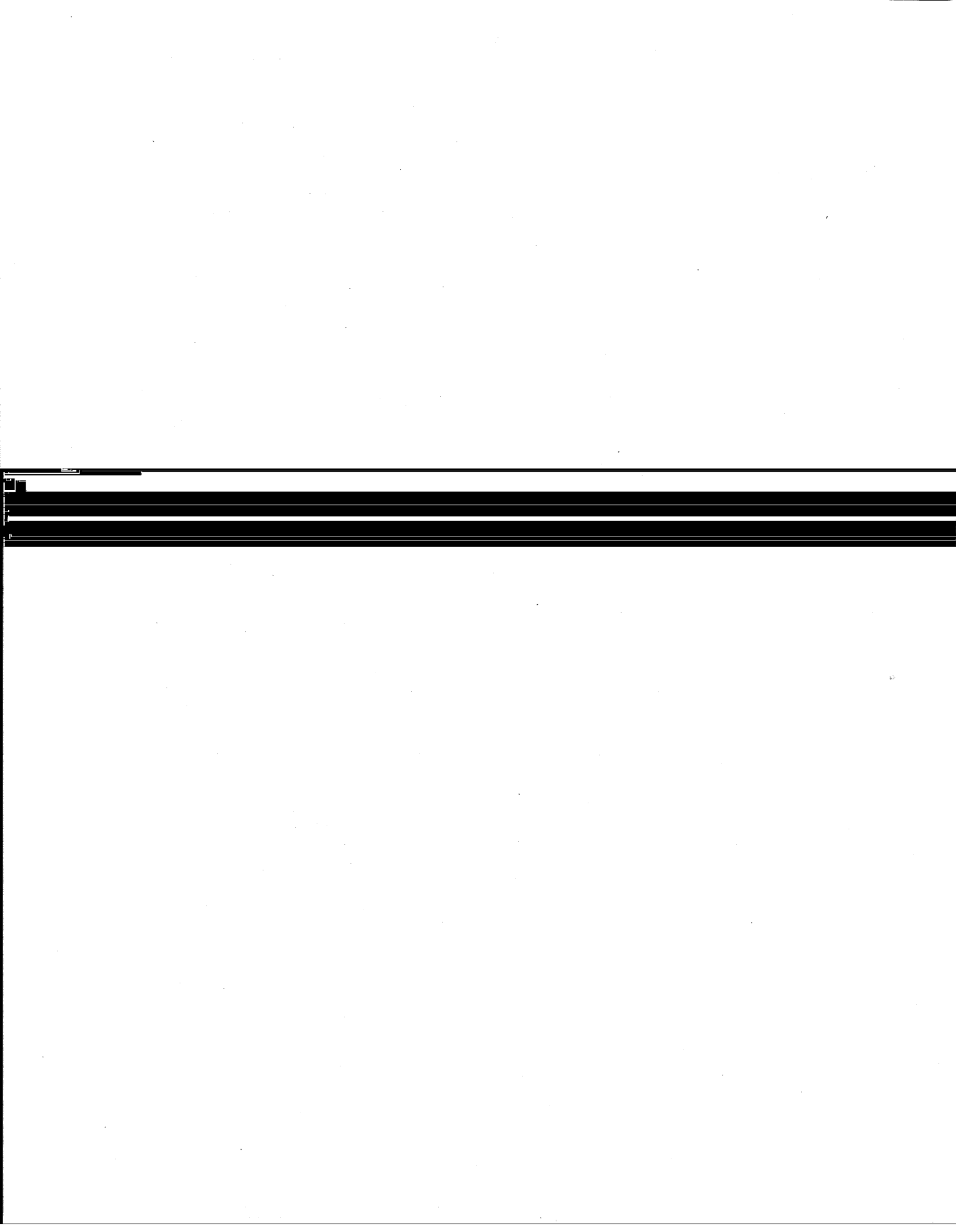
ATTORNEYS FOR RESPONDENTS  
CHICAGO BRIDGE & IRON COMPANY N.V.  
AND CHICAGO BRIDGE & IRON COMPANY

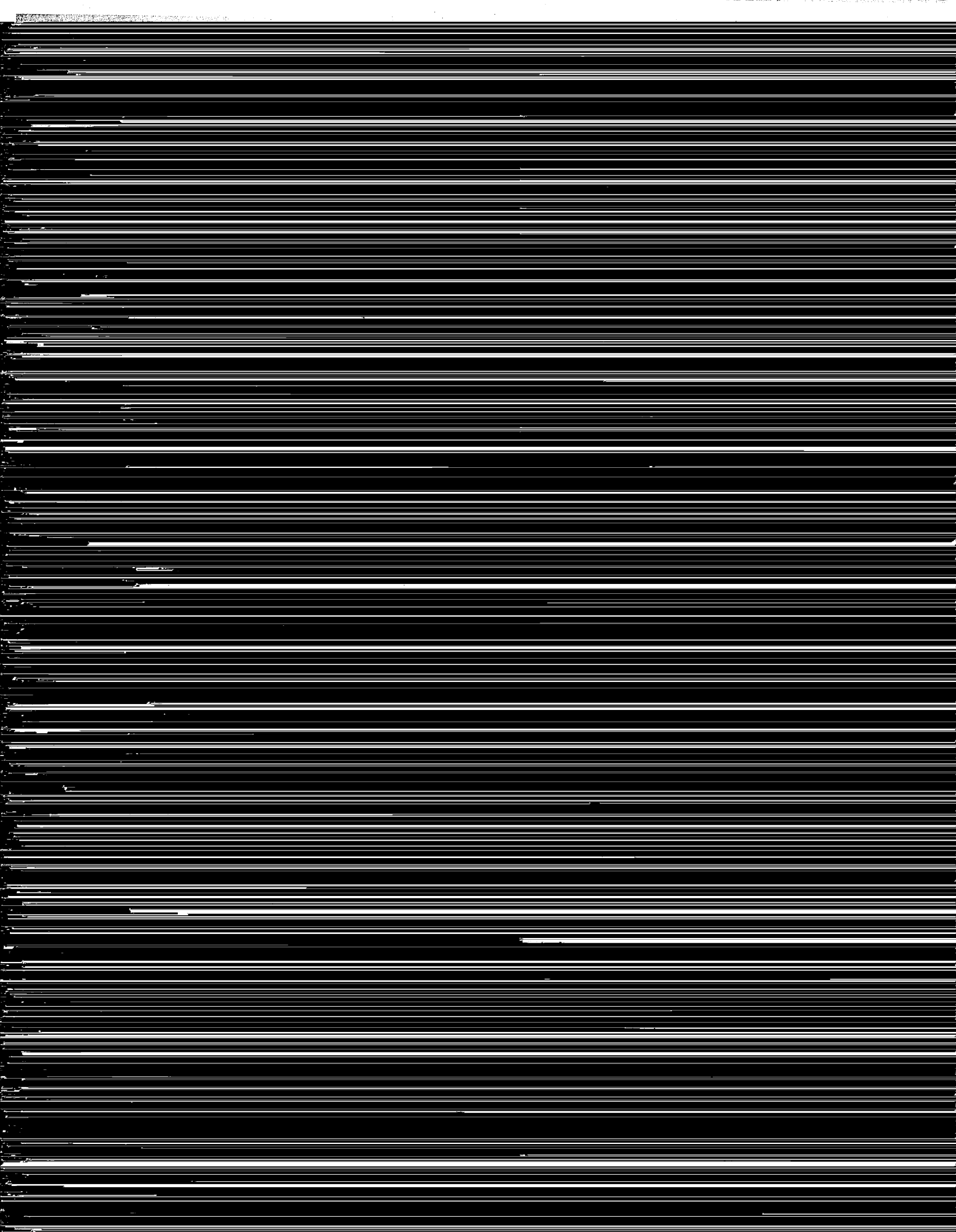


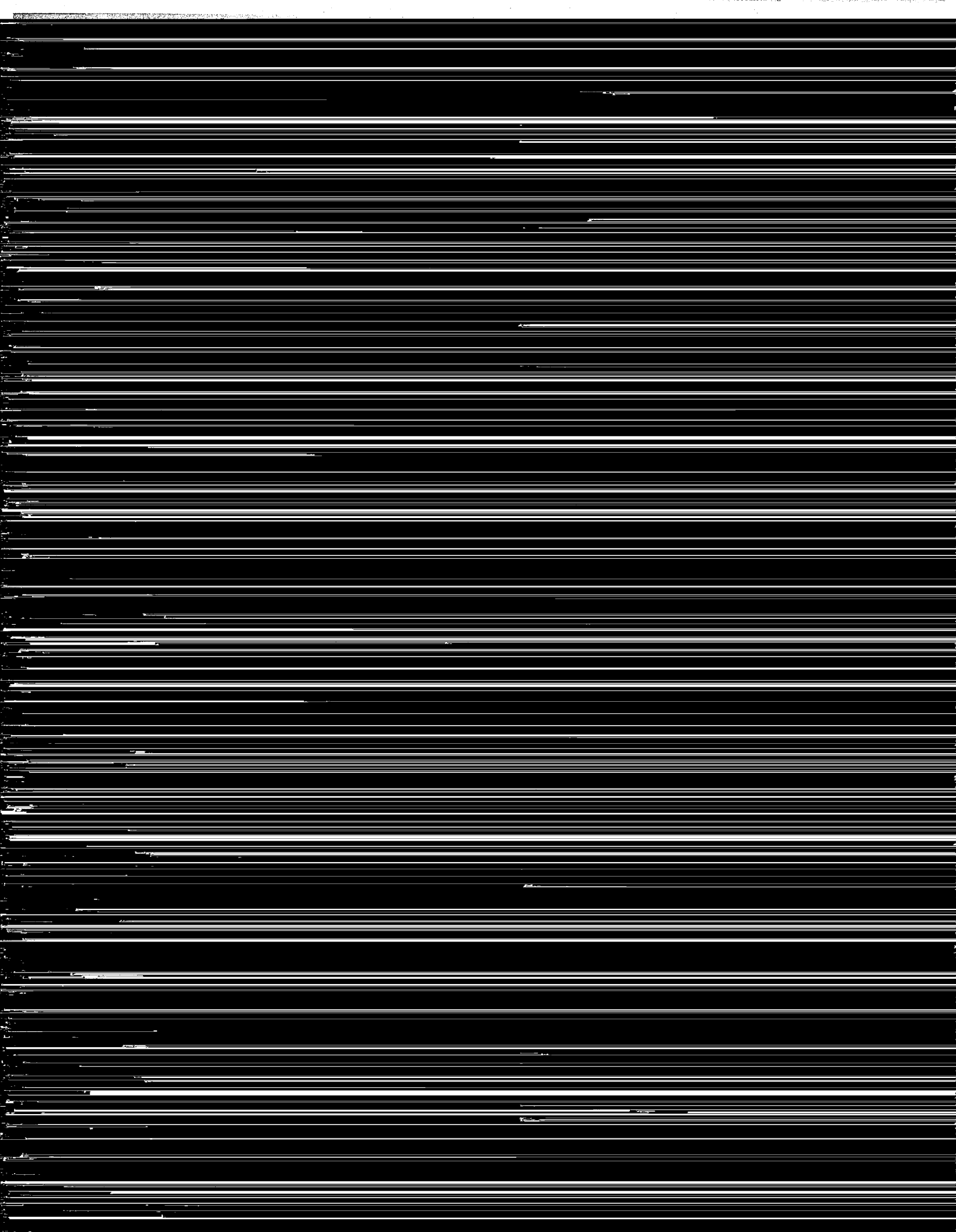
UNITED STATES OF AMERICA  
DEPARTMENT OF JUSTICE

In the Matter of )  
 )  
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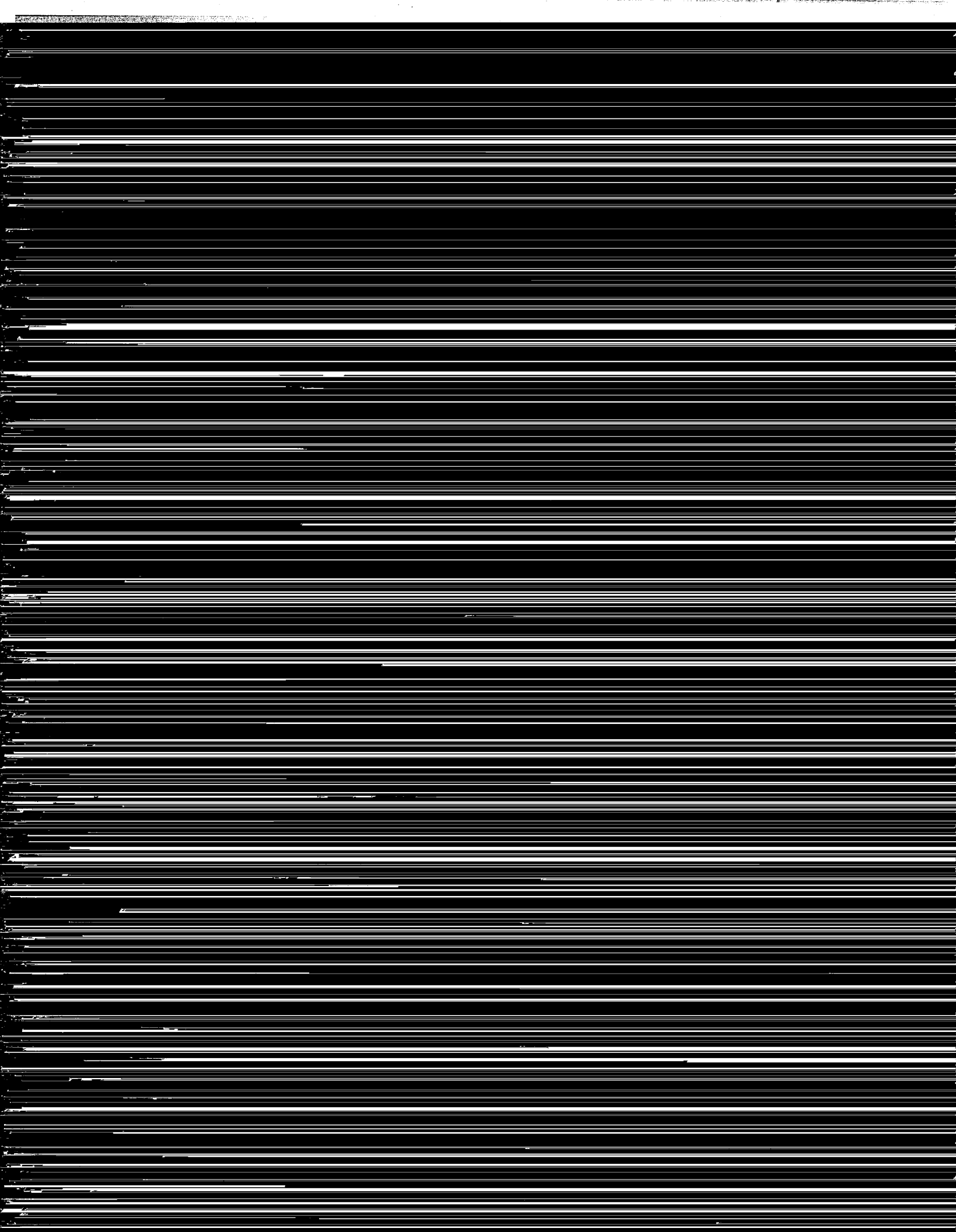
CHICAGO BRIDGE & IRON COMPANY

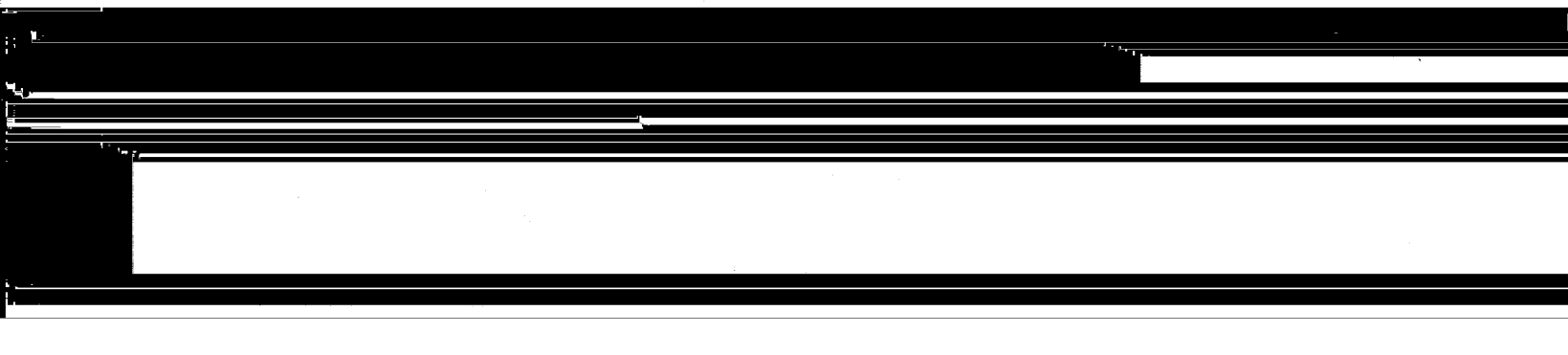












UNITED STATES OF AMERICA  
BEFORE FEDERAL TRADE COMMISSION

CHICAGO BRIDGE & IRON COMPANY N.V. )  
a foreign corporation, )

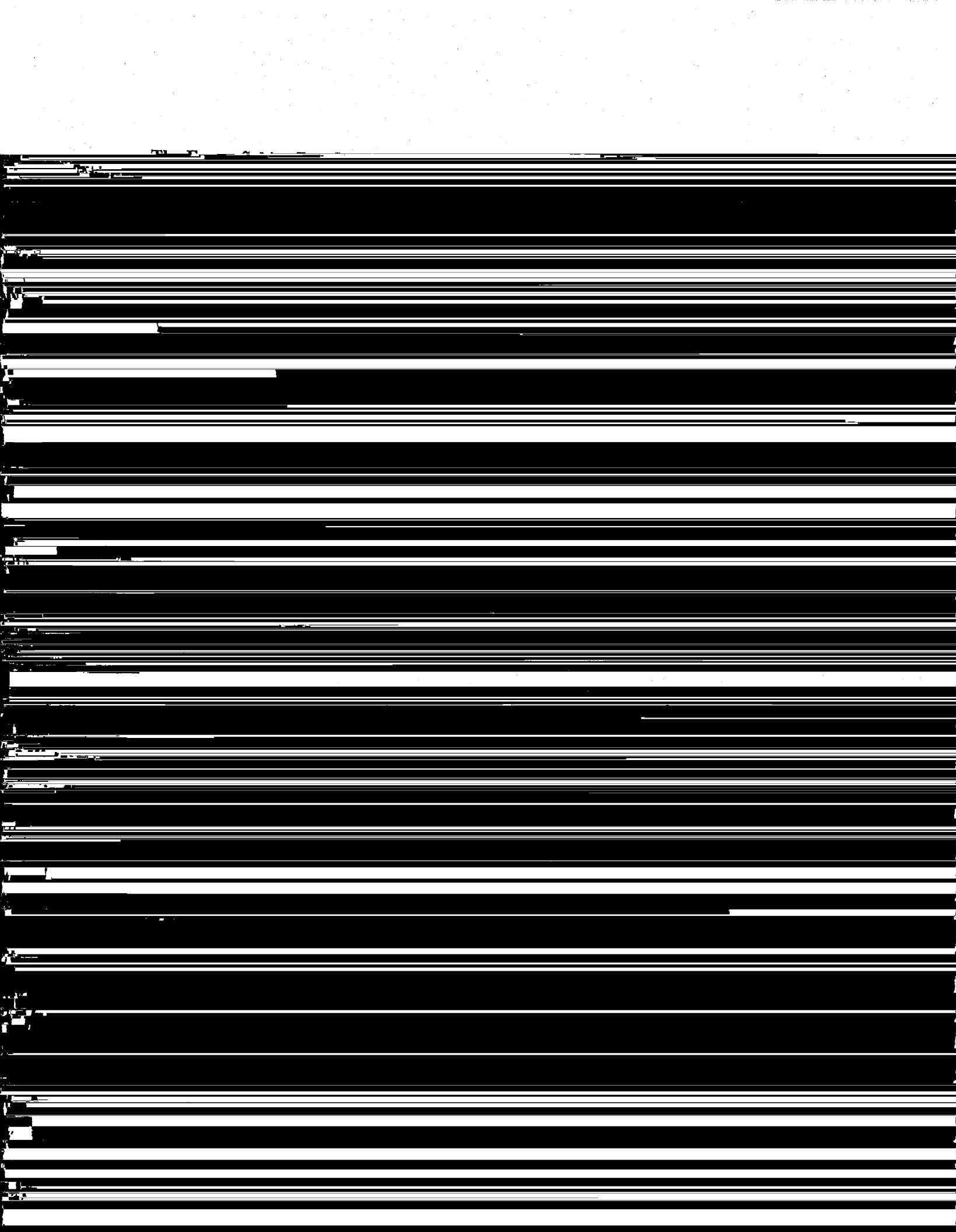
CHICAGO BRIDGE & IRON COMPANY )

- Sound Energy Solutions' (a wholly owned subsidiary of Mitsubishi Corporation) proposed LNG import terminal planned for Long Beach, California. (1)

10. CB&I lost the EPC contract for the Hackberry Project to Alker Kvaerner/TH. The

The Freeport LNG Project

11. In the fall of 2003, I began work on the Freeport LNG Project. At that time, I understand that Cheniere had already engaged Technip as EPC contractor.





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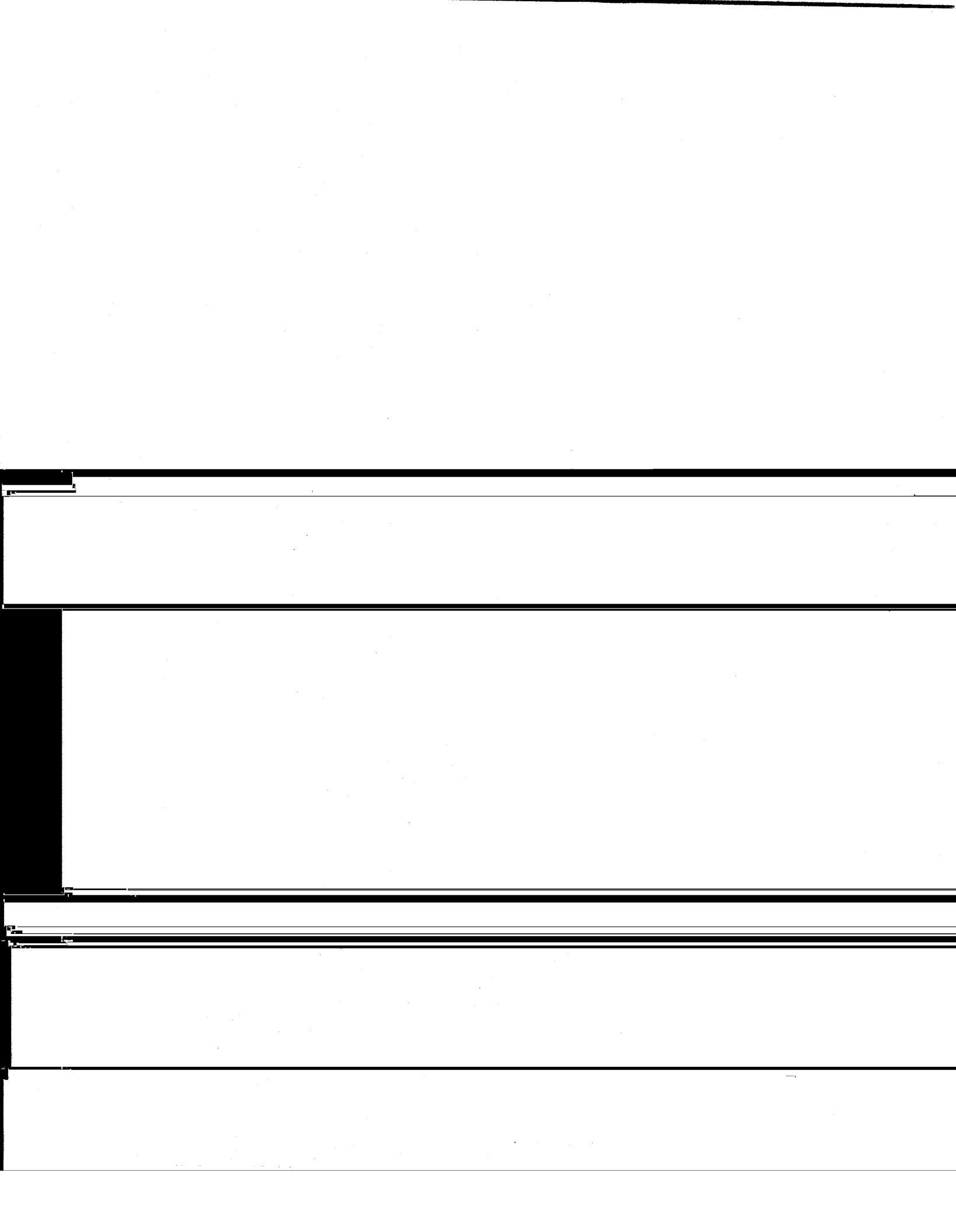




CB&I  
2103 Research Forest Dr.  
The Woodlands, TX 77380  
Attn: Jeffrey Steimer  
Phone: 832-513-1143

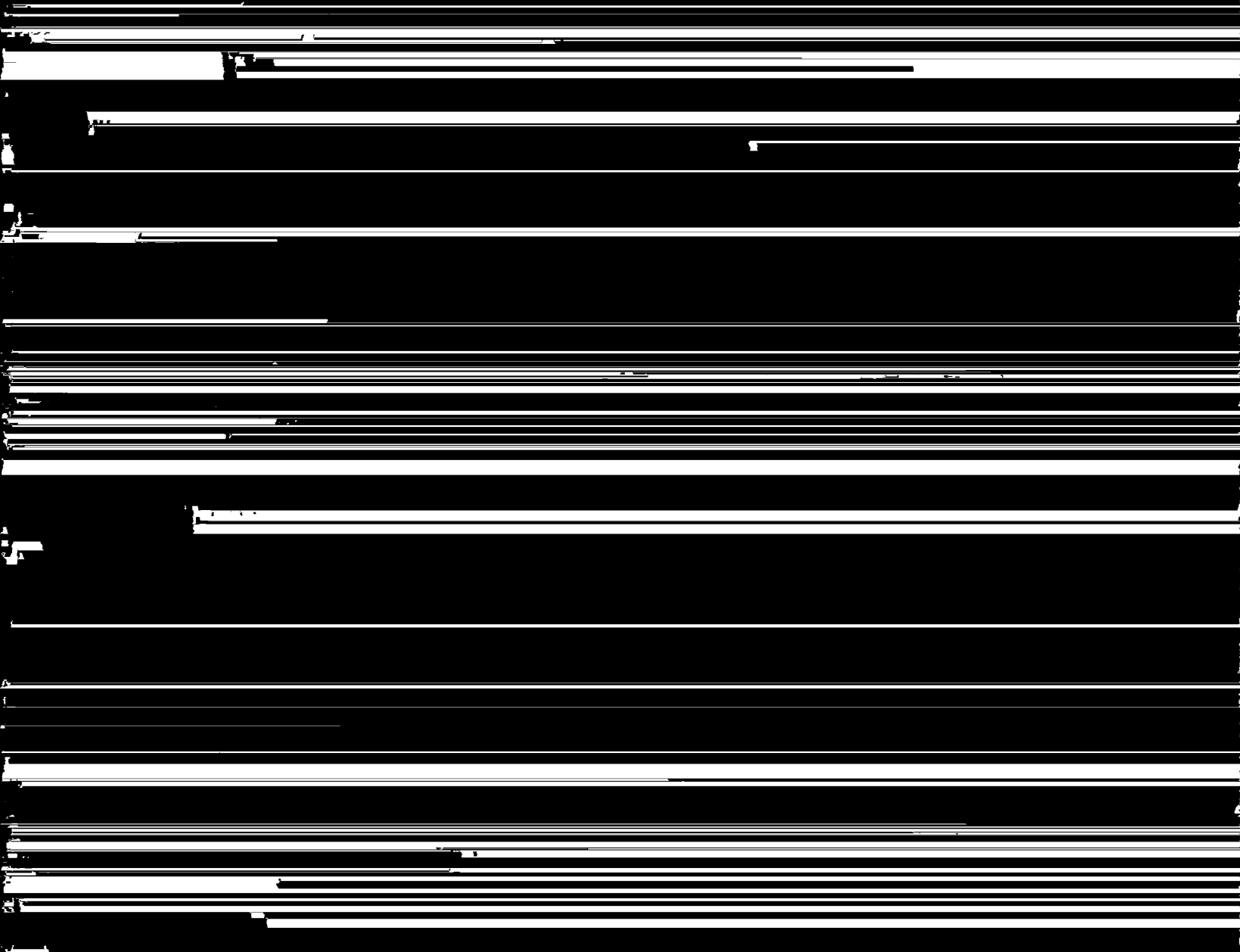
**Technip**

(D) provide a relevant experience list for the past three (3)



Freeport LNG Storage Tank  
Pre-bid Meeting Attendees  
September 17, 2003

<u>Bidding Entity</u> <u>Name</u>	<u>Company Name</u>	<u>Name</u>
Technigaz-Saipem	Zachry	Mark Hunter
CB&I	CB&I	Mike Miles
CB&I	CB&I	David Gross
Skanska/Whessoe	Skanska/Whessoe	Dave Hope
TKK/ATV	TKK	M. Takeda, P.E.
TKK/ATV	ATV	W.T. Cutts
S&B/Daewoo	Daewoo	Hong-Sung Kim
S&B/Daewoo	Daewoo	Pan-Seop Lim



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Techryn Led Joint Venture Awarded Contract for F... (INCP...)

YAHOO! FINANCE Search Finance Home Y! Finance

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Marina Toncelli +33 (0) 1 47 78 66 68

Investor and Analyst Relations:

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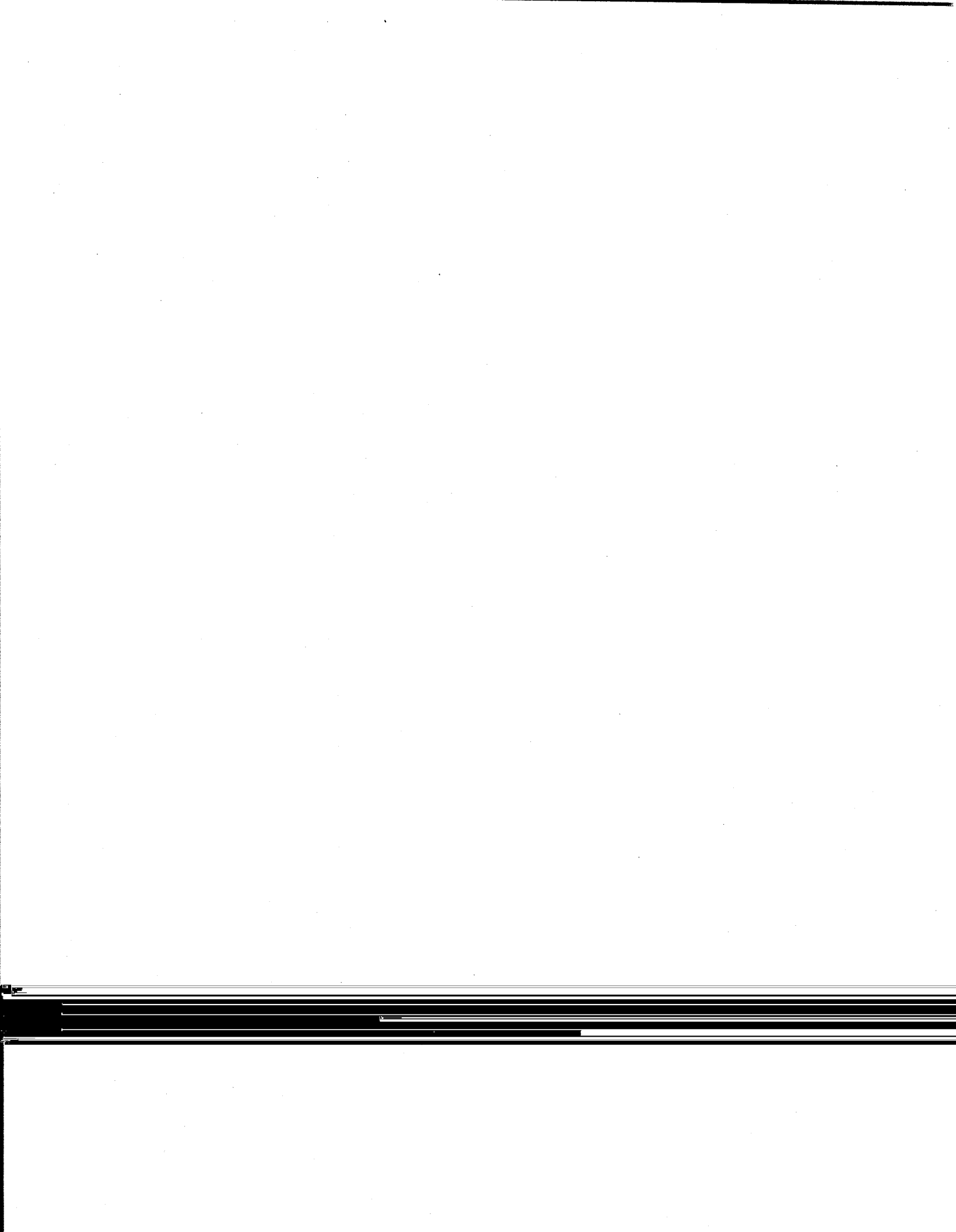
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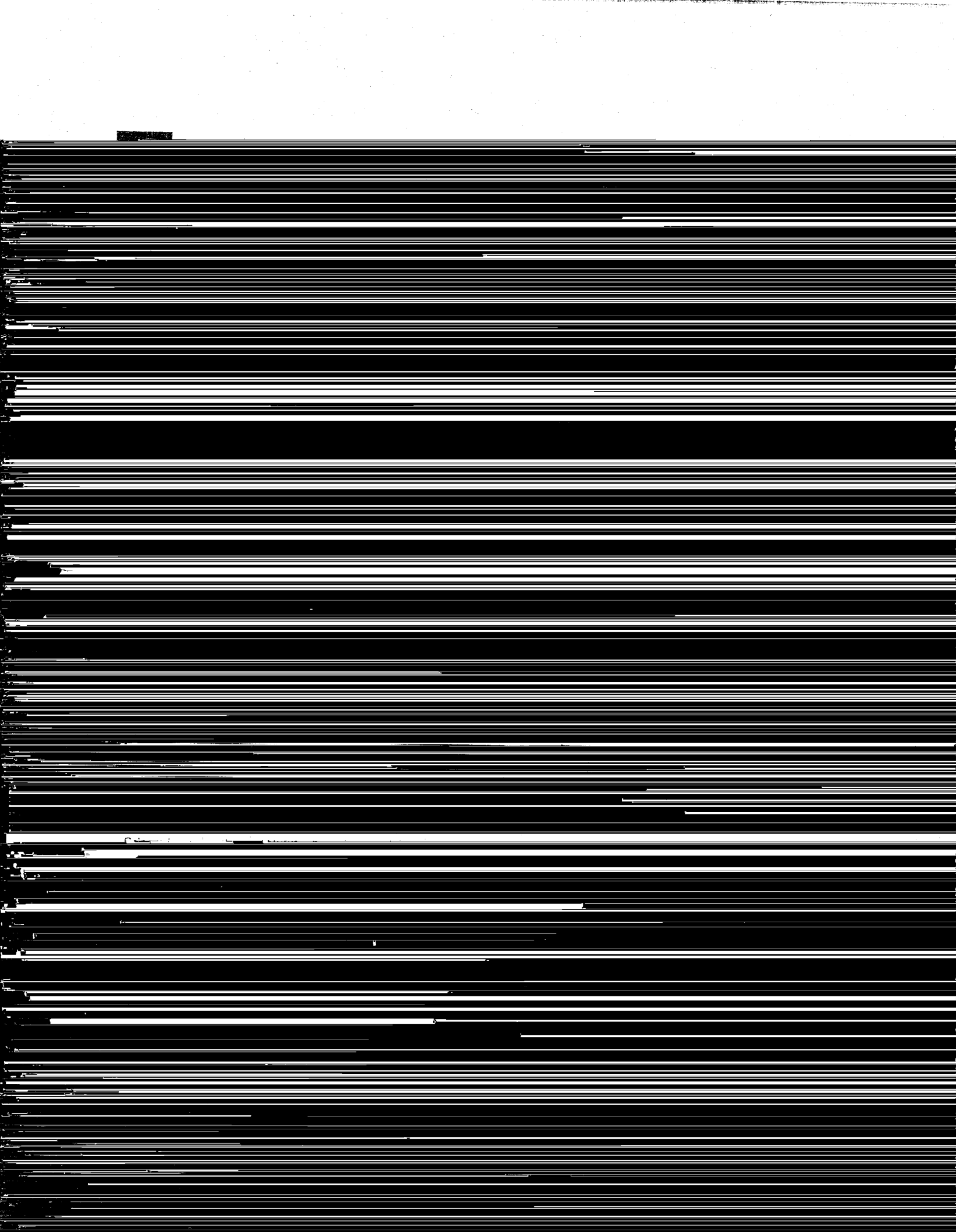
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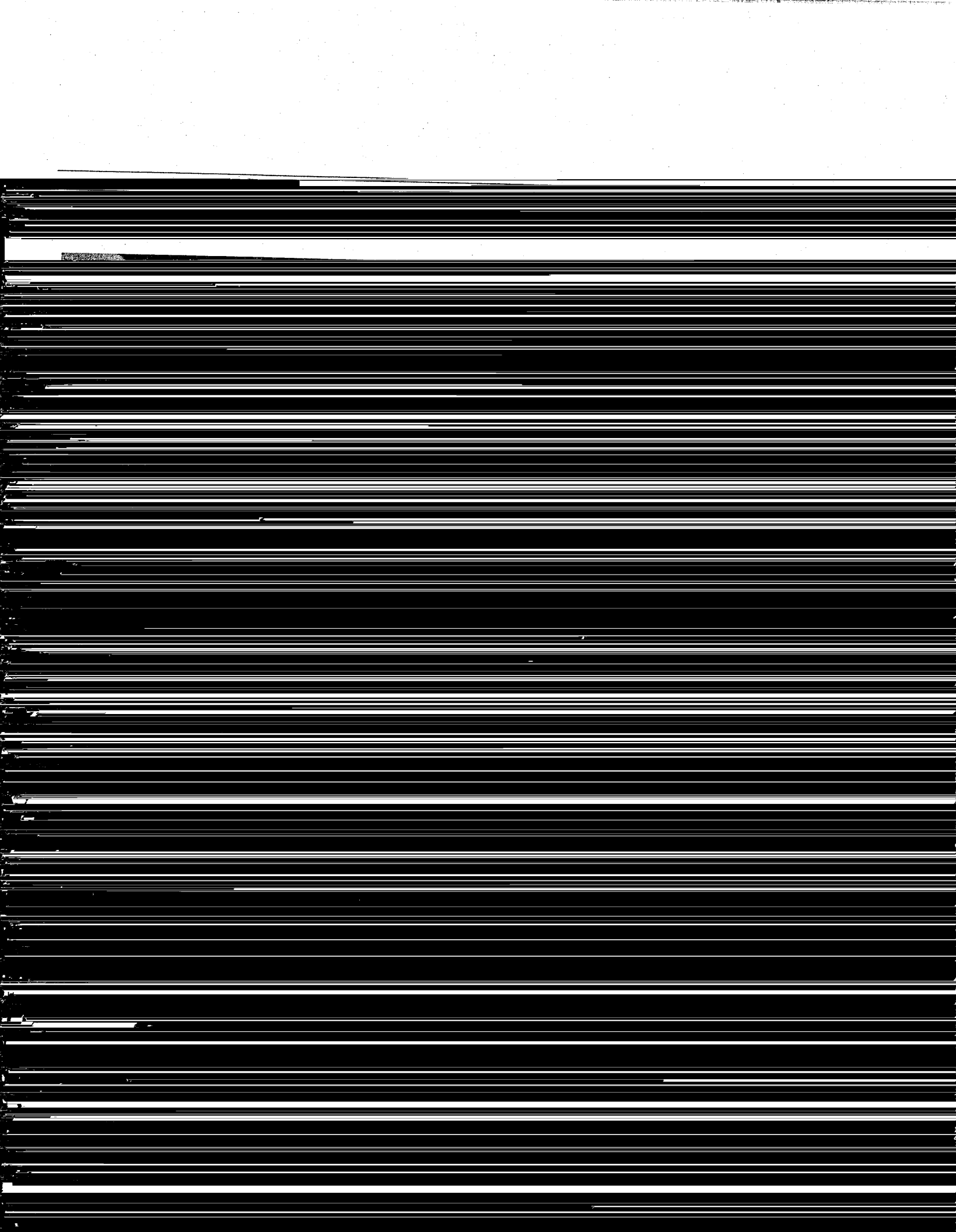
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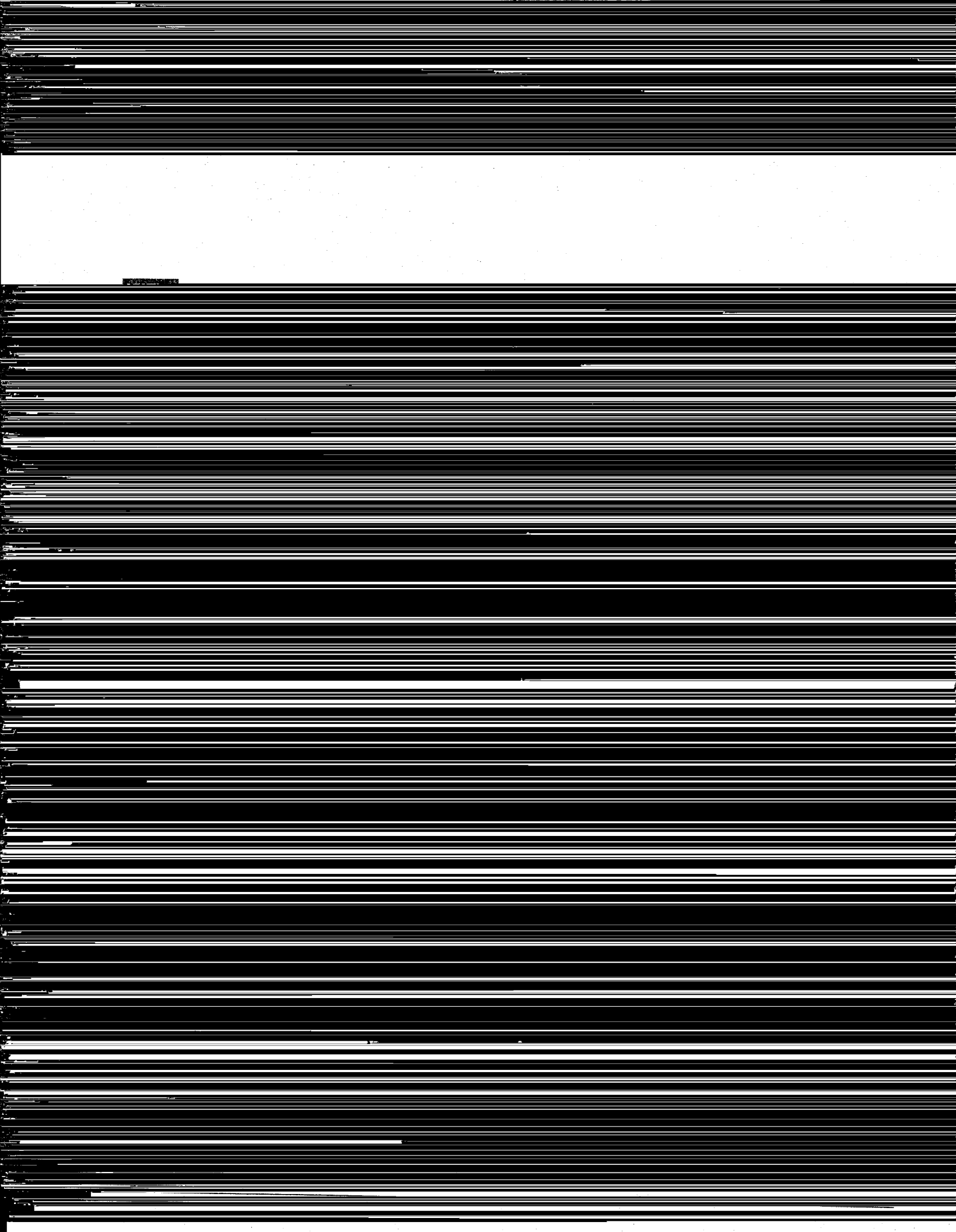


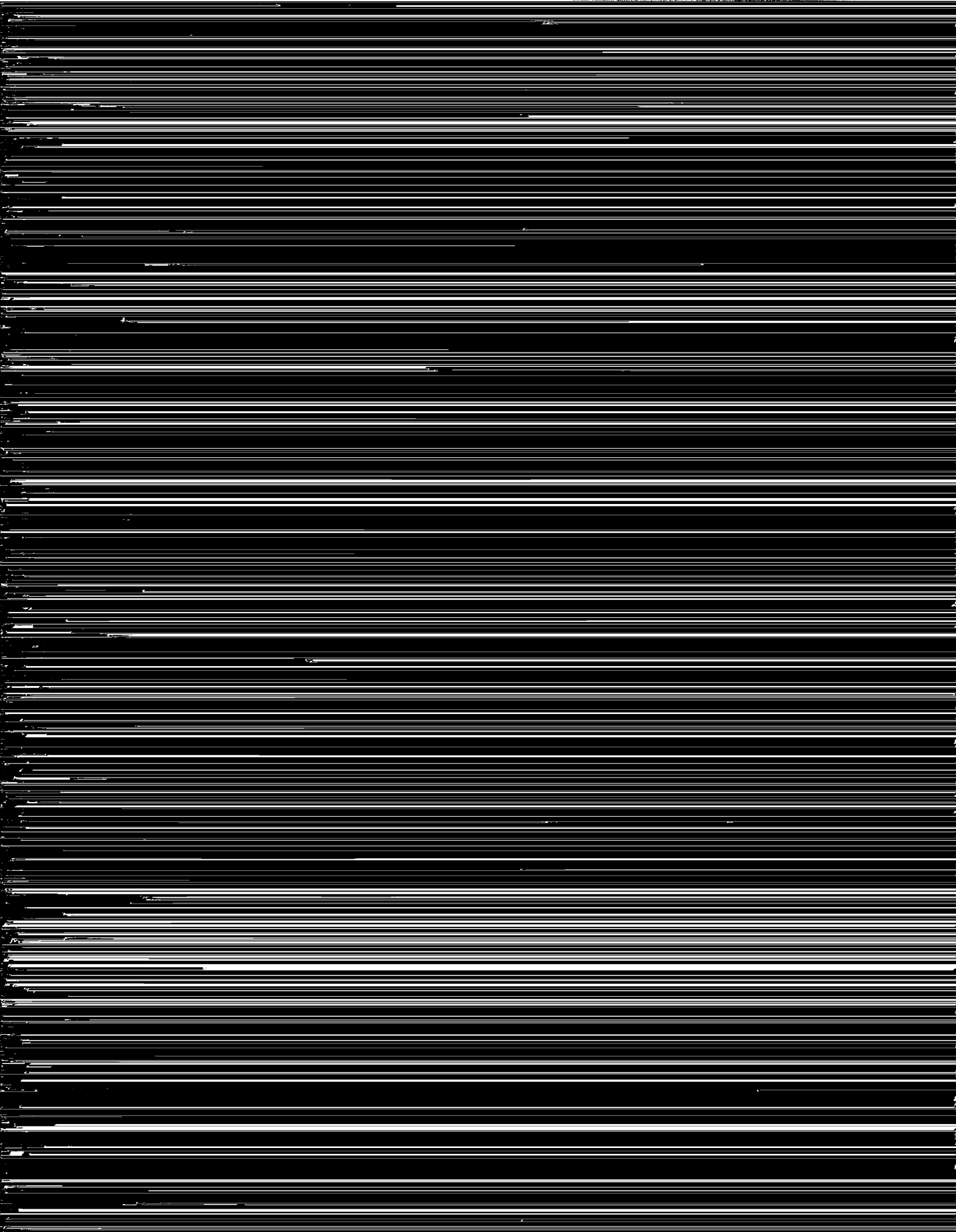


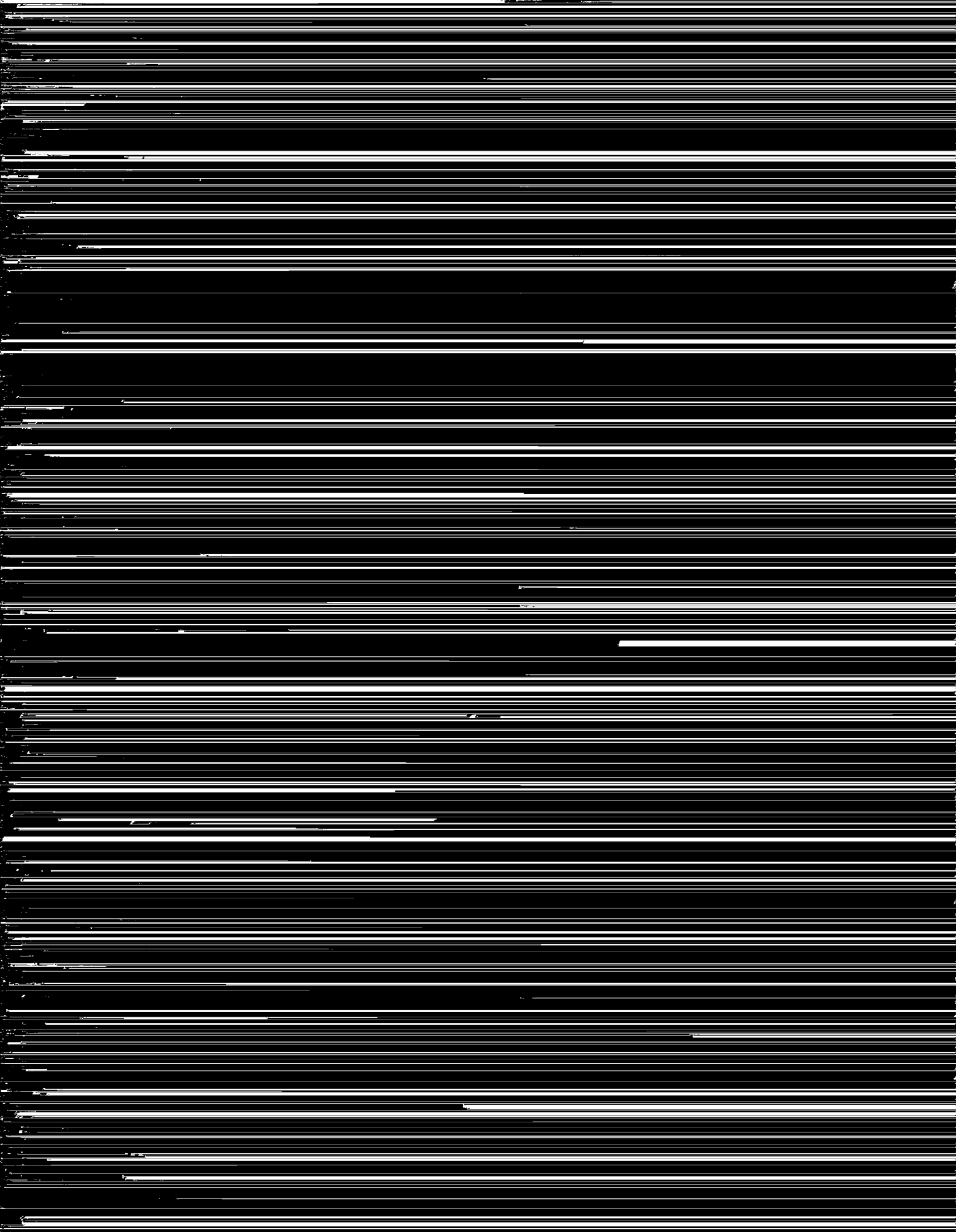










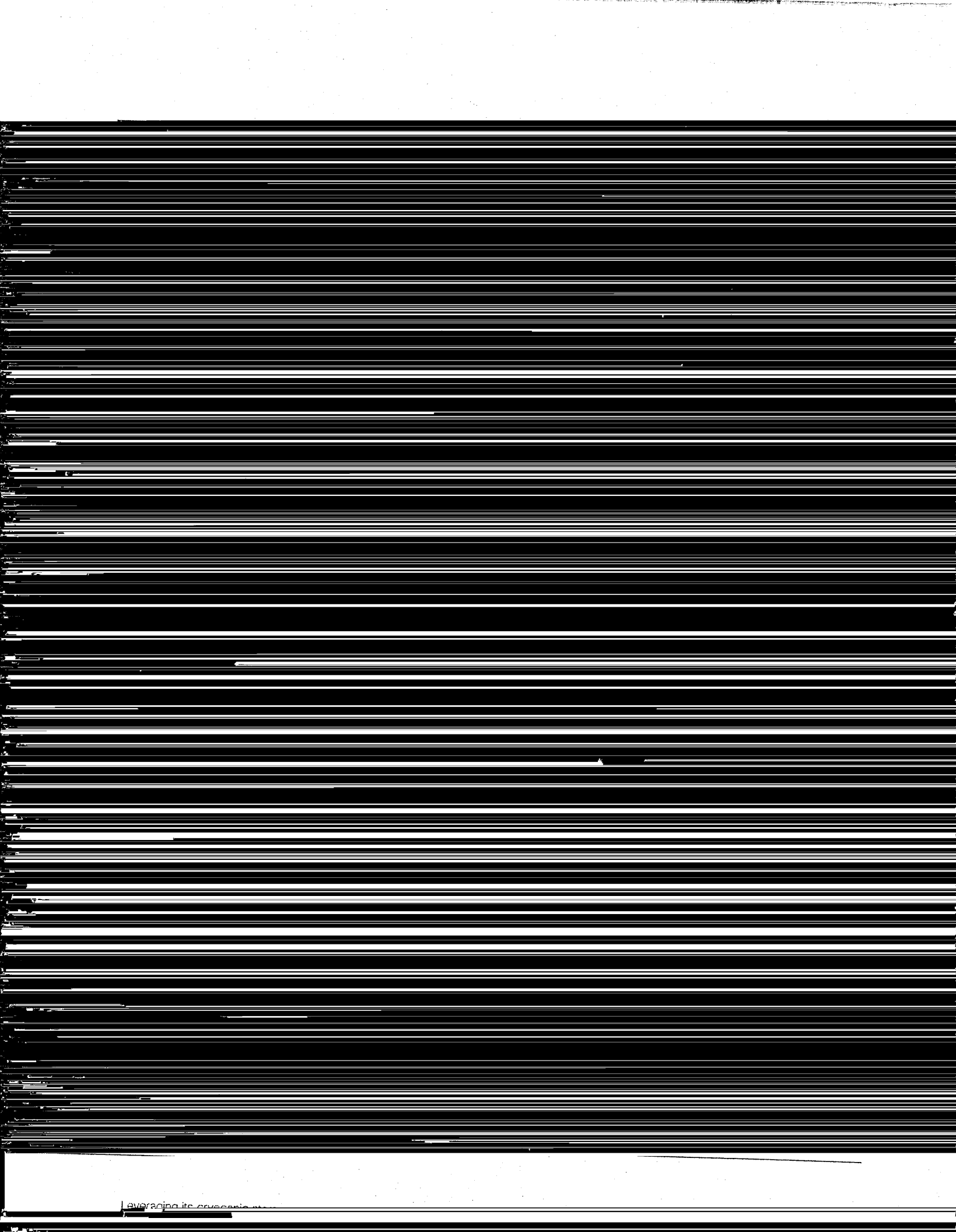


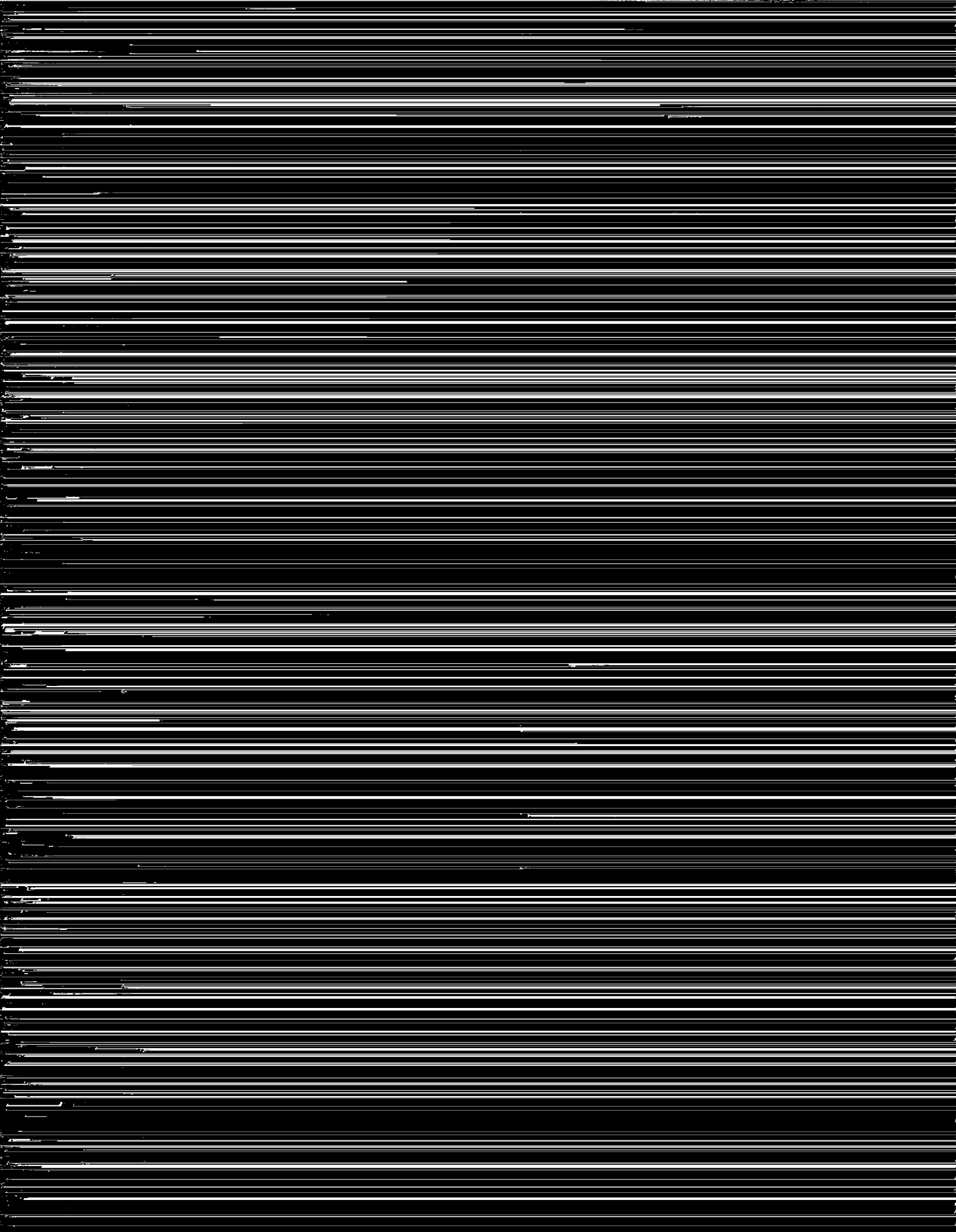
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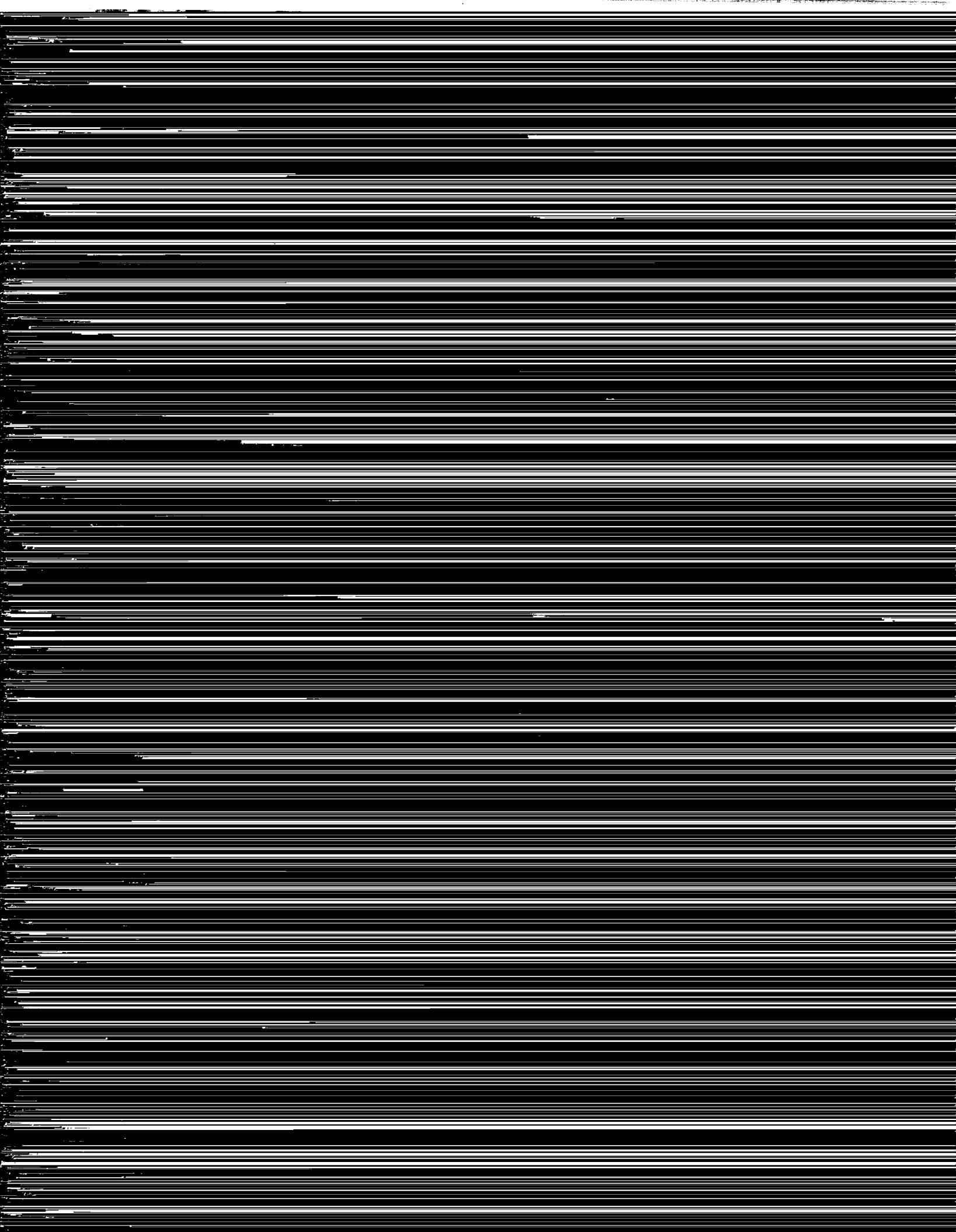
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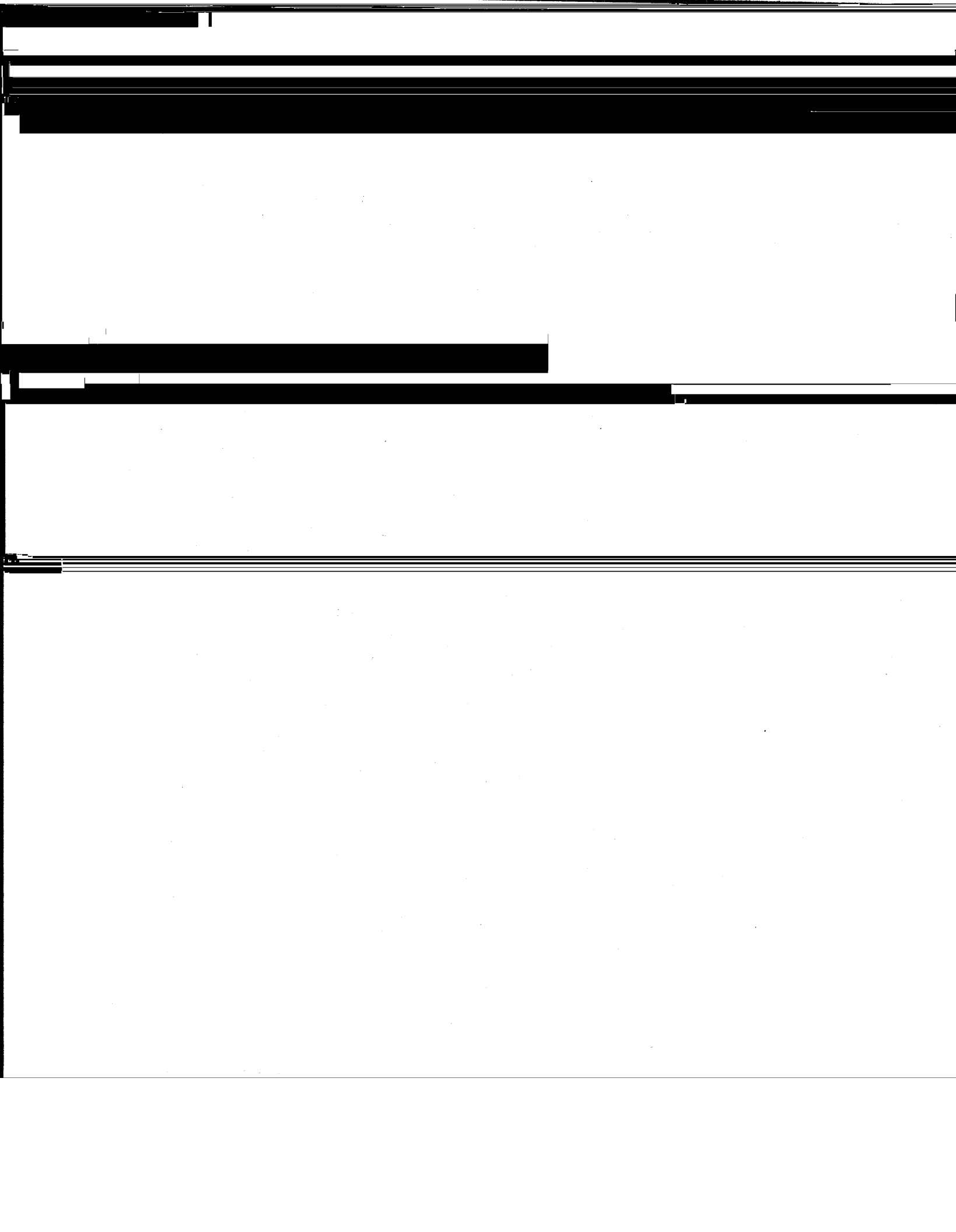


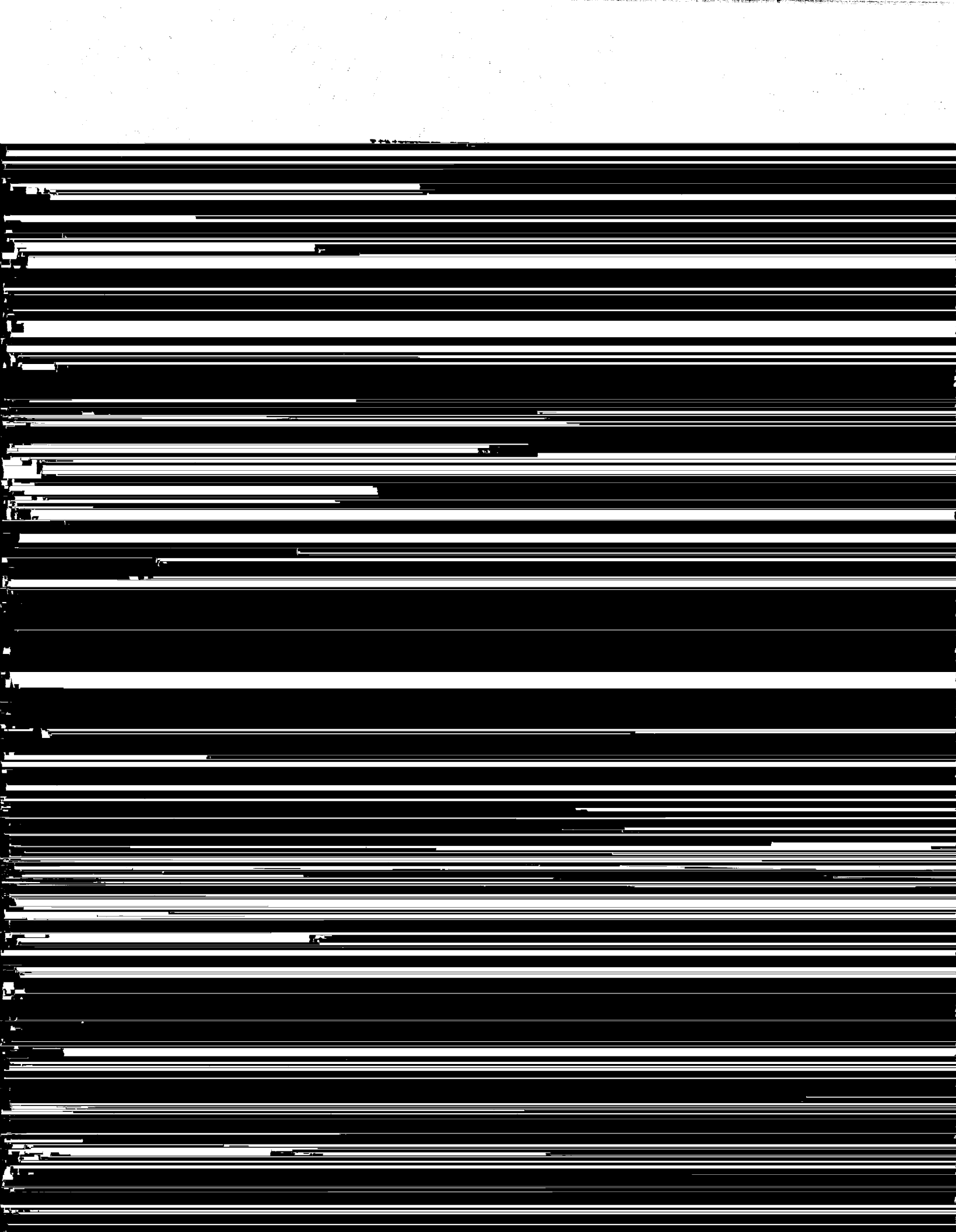
Salpem entered the leased FPSO  
business in 1996 via its involvement in the

capabilities. Salpem is now ready to play a  
major role in this market, making the full use

phase, from project management and

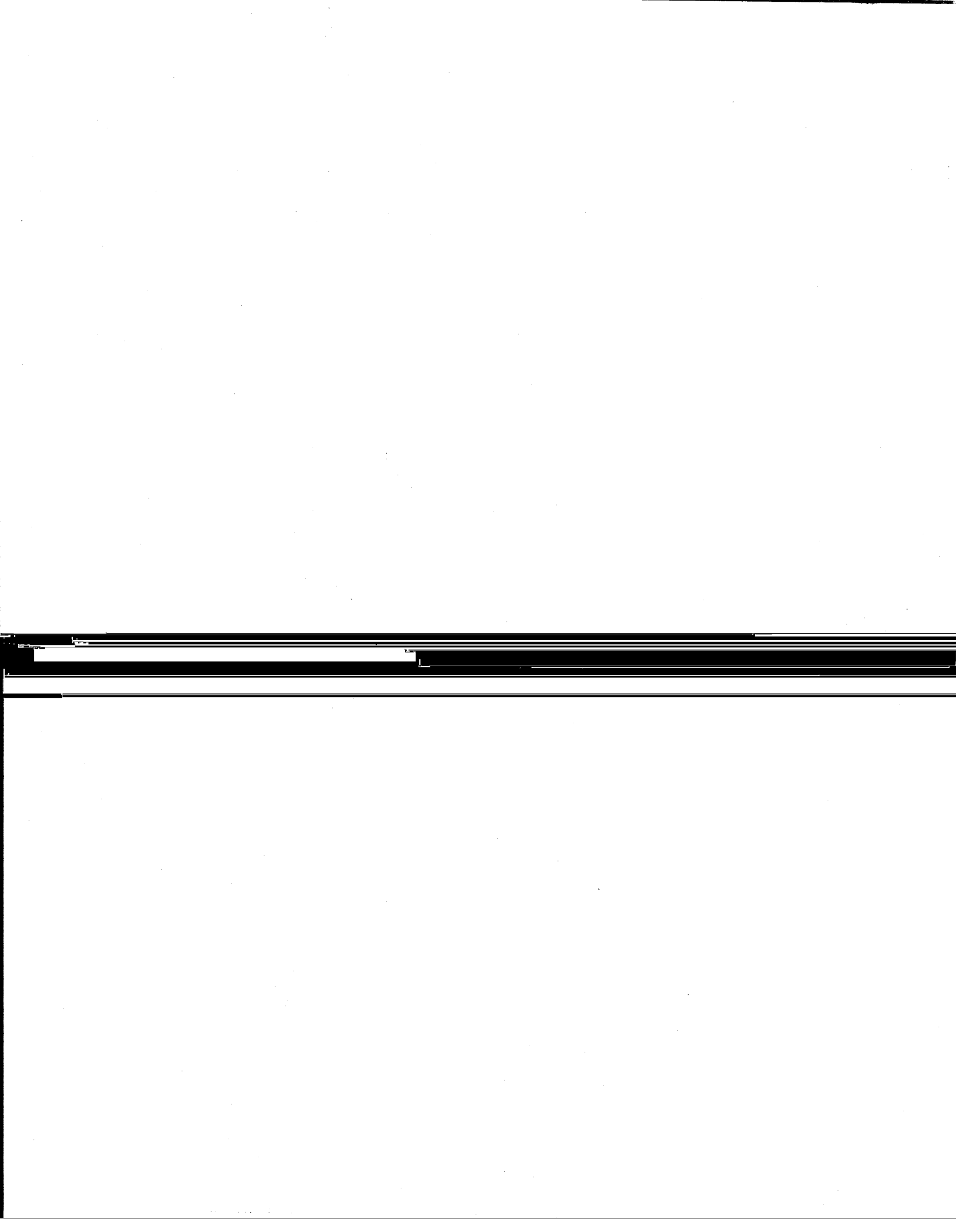


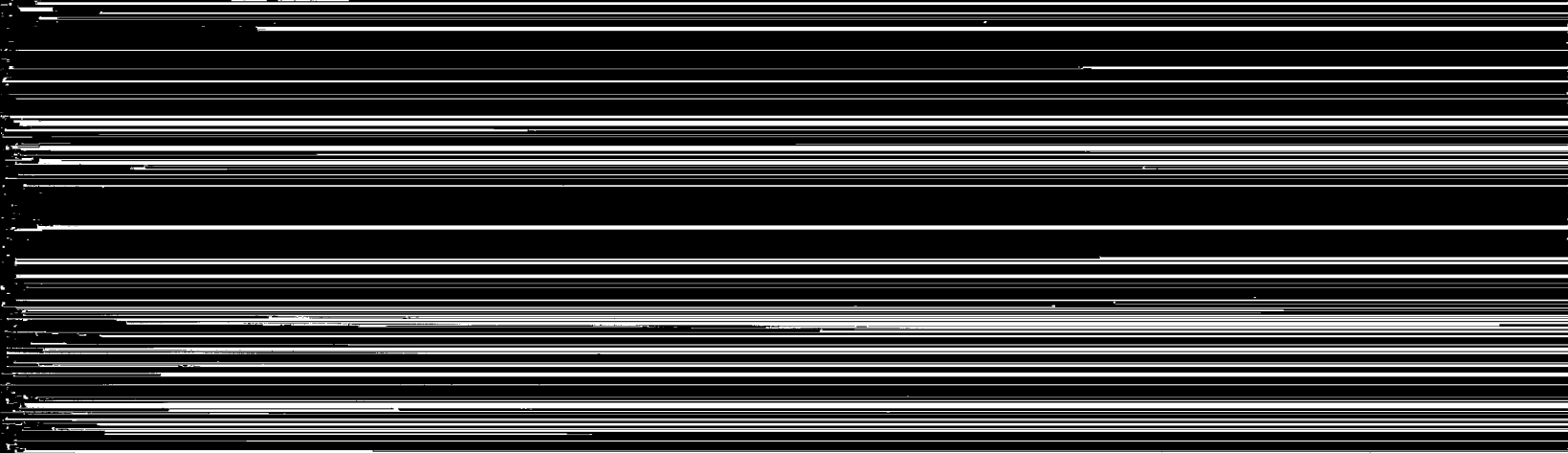




commitment from Cheniere to negotiate exclusively with CB&I for the full engineering  
construction, and procurement for each unit.







shipbuilding steel structures power plants electrical



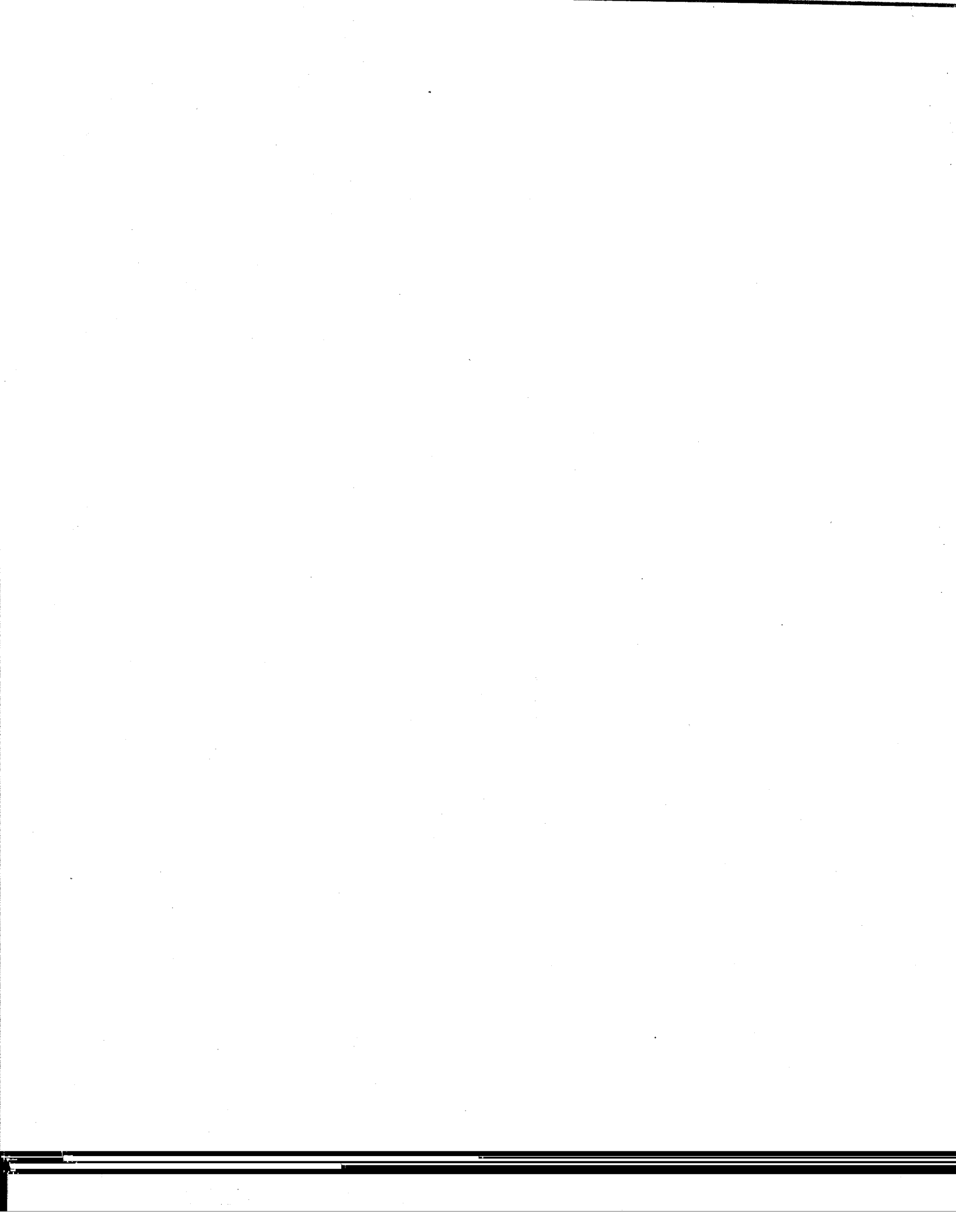


will ultimately be produced.

ExxonMobil N...

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UNITED STATES OF AMERICA

BEFORE FEDERAL TRADE COMMISSION

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4. Until the moment Yankee Gas advised CB&I that we had won the contract for the project, I believed that CB&I was in a fierce competition with a joint venture of Black & Veatch and MHI. During the course of several rounds of negotiations with Yankee Gas, CB&I reduced its bid in a effort to win the Yankee Gas Project. CB&I