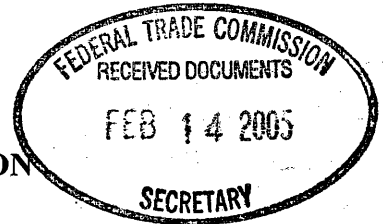


UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION



\_\_\_\_\_  
In the Matter of )  
)  
)

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

Docket No. 9300

CHICAGO BRIDGE & IRON COMPANY )  
a corporation, )

PUBLIC

PITT-DES MOINES, INC., )  
a corporation. )  
\_\_\_\_\_ )

**SUPPLEMENT TO PETITION TO RECONSIDER THE OPINION AND ORDER IN  
LIGHT OF ENTRY AFTER THE CLOSE OF THE RECORD AND OVERBREATH**

Respondents<sup>1</sup> file this Supplement to their Petition to Reconsider the Opinion and Order in Light of Entry After the Close of the Record and Overbreadth (the "Petition to Reconsider").

I.

**CHENIERE ENERGY RECENTLY AWARDED  
AN LNG TANK PROJECT TO COMPETITORS OF CB&I**

On February 4, 2005, CB&I learned that, once again, firms written off by the Commission as unable to establish a successful presence in the United States "in the foreseeable future,"<sup>2</sup> have won a competitive bid for a U.S. LNG tank construction project in direct competition with CB&I. Cheniere Energy, Inc. ("Cheniere") has selected the team of Mitsubishi Heavy Industries, of Tokyo, Japan, and Matrix Service Company ("Matrix"), a United States corporation, to perform the LNG tank construction work on its LNG import terminal planned for

<sup>1</sup> Respondents Chicago Bridge & Iron Company N.V. and Chicago Bridge & Iron Company are referred to herein collectively as "Respondents" or "CB&I."

<sup>2</sup> Op. at 57.

Sabine Pass, Texas. *See* Declaration of Ronald E. Blum, dated February 11, 2005, attached at App. 1 (the "Blum Decl.").

Cheniere is pursuing this project in tandem with a project it plans for Corpus Christi, Texas. Bidding for both projects proceeded on a two-project, single bid basis. CB&I originally submitted its bid for the two projects in 2003. In 2004, Cheniere's Engineering, Procurement and Construction Contractor, Bechtel Corporation ("Bechtel"), sought tank subcontract bids on behalf of Cheniere a second time. CB&I again submitted a bid. In the summer of 2004, shortly after the second bid submission, Cheniere and MHI/Matrix announced the award of this contract to MHI/Matrix. *See, e.g.*, App. 6 to Petition to Reconsider.

As reported in the Petition to Reconsider, despite the summer 2004 announcement, Bechtel, in December 2004, indicated that MHI/Matrix and CB&I were still in competition with each other and requested that CB&I update its proposal for the Sabine Pass project, which it did. Petition to Reconsider at 10. Shortly after the filing of the Petition to Reconsider, CB&I learned that MHI/Matrix beat CBI and won the LNG tank award for the Sabine Pass project. *See* Blum Decl.

**II.**  
**CONCLUSION**

Events as recent as *this month* confirm that the market is very different than what the Commission was led to believe from the record, demonstrating that today there are ample and adequate bidders to give customers significant competitive options. Respondents urge that the Commission re-open the record to take additional post-acquisition, post-hearing evidence regarding the continued course of competition since the close of the record.

Dated: February 14, 2005

Respectfully submitted,



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ATTORNEYS FOR RESPONDENTS  
CHICAGO BRIDGE & IRON COMPANY N.V.  
AND CHICAGO BRIDGE & IRON COMPANY

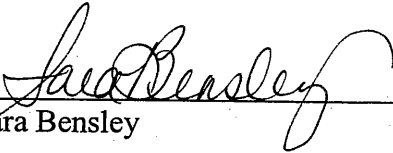
**CERTIFICATE OF SERVICE**

I, Sara Bensley, hereby certify that on February 14, 2005, a true and correct copy of the foregoing *Supplement to Petition to Reconsider the Opinion and Order in Light of Entry after the Close of the Record and Overbreadth* and of one appendix, the Declaration of Ronald E. Blum, dated February 11, 2005, were served on the following persons by hand delivery:

Donald S. Clark  
Secretary  
Federal Trade Commission  
Room H-159  
600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20580

Steven L. Wilensky, Esq.  
Federal Trade Commission  
601 New Jersey Avenue, N.W.  
Room NJ-6120  
Washington, D.C. 20001

Rhett R. Krulla, Esq.  
Assistant Director  
Bureau of Competition  
Federal Trade Commission  
601 New Jersey Avenue, N.W.  
Room NJ-6120  
Washington, D.C. 20001

  
\_\_\_\_\_  
Sara Bensley



**UNITED STATES OF AMERICA  
BEFORE FEDERAL TRADE COMMISSION**

In the Matter of	)	
	)	
CHICAGO BRIDGE & IRON COMPANY N.V.	)	
a foreign corporation,	)	
	)	
CHICAGO BRIDGE & IRON COMPANY	)	
a corporation,	)	Docket No. 9300
	)	
PITT-DES MOINES, INC.,	)	
a corporation.	)	
	)	

**DECLARATION OF RONALD E. BLUM IN SUPPORT OF  
RESPONDENTS' SUPPLEMENT TO PETITION TO RECONSIDER  
THE OPINION AND ORDER IN LIGHT OF ENTRY  
AFTER THE CLOSE OF THE RECORD AND OVERBREADTH**

Ronald E. Blum states as follows:

1. My name is Ronald E. Blum, I am over the age of 18 years and am competent to make this Declaration. This Declaration is based on my personal knowledge obtained through my employment as Group Vice President, LNG Global Sales with Chicago Bridge & Iron Company ("CB&I").
  
2. In the course of my employment, I have responsibility for LNG facility sales in North America. In the course of my employment, I am familiar with CB&I's efforts to obtain awards on the following projects:
  - A new LNG import terminal planned for Corpus Christi, Texas, by Cheniere Energy (the "Cheniere Corpus Project")
  
  - A new LNG import terminal planned for Sabine Pass, Texas, by Cheniere Energy (the "Cheniere Sabine Pass Project")
  
3. The Cheniere Corpus Project and the Cheniere Sabine Pass Project will each include three single containment tanks.
  
4. In the early stages of development on both Cheniere projects, CB&I had discussions with Cheniere in regards to CB&I providing technical services for Cheniere's FERC application for the Sabine Pass and Corpus Christi projects in exchange for a

application for the Sabine Pass and Corpus Christi projects in exchange for a commitment from Cheniere to negotiate exclusively with CB&I for the full engineering, construction, and procurement for each project. Instead, Cheniere hired Black & Veatch for FERC assistance and FEED. At that time, CB&I understood that Black & Veatch would have a preferred position with respect to obtaining the award of the EPC contract for both the Cheniere Corpus Project and the Cheniere Sabine Pass Project.

5. In 2003, Black & Veatch solicited proposals for the tank work subcontract on both of the Cheniere projects.
6. Cheniere ultimately selected Bechtel as the EPC contractor, and negotiations between Bechtel and Cheniere commenced for the EPC contracts for the two projects. Even though Bechtel had been named EPC for both projects, Cheniere requested that CB&I's tank proposal be submitted to Black & Veatch and CB&I did so. CB&I understands that Mitsubishi Heavy Industries ("MHI"), in association with Matrix, and Toyo Kanetsu KK ("TKK"), in association with AT&V, also submitted bids for the tank work on the two projects.
7. Apparently preferring its own specifications, Bechtel subsequently asked CB&I and others to submit new bids for LNG tank construction on both projects. CB&I again submitted a proposal for this work, this time to Bechtel. Based upon Bechtel's specifications for the bids, the value of the tank work subcontracts for the Cheniere Corpus Project and the Cheniere Sabine Pass Project would have been substantial, as each project included three LNG tanks with technical specifications unique to the project. After CB&I submitted a bid to Bechtel, Cheniere announced that MHI/Matrix had been selected as the tank subcontractor on the Sabine Pass Project and Corpus Christi Project.
8. Bechtel has since executed a contract for the EPC work on the Cheniere Sabine Pass Project. Although Cheniere previously announced that MHI/Matrix had been selected as the tank subcontractor on this project, CB&I understands that the LNG tank contract has not actually been awarded. In December 2004, Bechtel requested that CB&I update its proposal for the Cheniere Sabine Pass Project.
9. On February 4, 2005, I learned that the LNG tank subcontract for the Sabine Pass project has been awarded to MHI/Matrix.

I declare under penalty of perjury that the foregoing is true and correct.

  
Ronald E. Blum

Date: 11 Feb 05

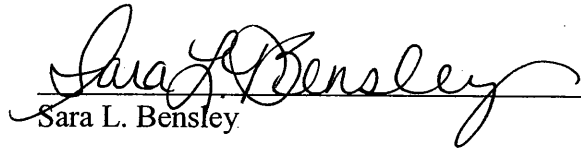
**CERTIFICATE OF SERVICE**

I, Sara L. Bensley, hereby certify that on February 15, 2005, true and correct copies of the Declaration of Ronald E. Blum, dated February 11, 2005, an attachment to Respondents' *Supplement to Petition to Reconsider the Opinion and Order in Light of Entry after the Close of the Record and Overbreadth*, were served on the following persons by hand delivery:

Donald S. Clark  
Secretary  
Federal Trade Commission  
Room H-159  
600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20580

Rhett R. Krulla, Esq.  
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Sara L. Bensley