UNITED STATES OF AMERICA BEFORE FEDERAL TRADE COMMISSION

COMMISSIONERS: Timothy J. Muris, Chairman Sheila F. Anthony Mozelle W. Thompson Orson Swindle Thomas B. Leary) In the Matter of) CHICAGO BRIDGE & IRON COMPANY N.V.,) a foreign corporation,)

CHICAGO BRIDGE & IRON COMPANY, a corporation, and

PITT-DES MOINES, INC., a corporation. Docket No. 9300

ORDER GRANTING EXTENSIONS OF TIME TO FILE APPEAL AND ANSWERING BRIEFS

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Respondents and Complaint Counsel separately request extensions of time within which to file their respective initial briefs on appeal from the Initial Decision and Order filed by Administrative Law Judge D. Michael Chappell in this matter. The Commission grants these requests in part.

Judge Chappell filed his Initial Decision and Order in this matter on June 12,2003. Complaint Counsel were formally served with the Initial Decision on June 20,2003, and filed a timely Notice of Appeal on June 27,2003. Respondents were formally served with the Initial Decision on June 23,2003; filed a timely Notice of Appeal on July 2,2003; and, pursuant to Commission Rule 3.52(g), 16 C.F.R. § 3.52(g) (2003), are deemed the appellants in this matter, and therefore currently must file their initial appeal brief by July 23,2003. Complaint Counsel are deemed the appellees and cross-appellants in this matter. On July 2,2003, Respondents filed a Motion For Extension of Time To File Appeal Brief requesting that the Commission grant Respondents an additional 21 days within which to file their appeal brief, in addition to the 30 days already provided by Commission Rule 3.52.(b), 16 C.F.R. § 3.52(b), from the date on which they were served with the Initial Decision. On July 12,2003, Complaint Counsel filed their Response to Respondents' Motion, stating that they do not object to Respondents' request for a 21-day extension, and seeking an additional 10 days within which to file their initial brief on appeal, in addition to the 30 days already provided by the Commission Rules of Practice, from the date on which they are served with Respondents' appeal brief. The time periods we provide in our Rules of Practice should afford parties to FTC proceedings sufficient time to file pleadings and briefs of sufficient quality and detail to aid in the preparation of Commission opinions and orders. We also recognize that in any litigation involving a consummated merger, unnecessary delay at any step along the way to final resolution may increase the risk of ongoing injury to consumers and competition. This risk is especially serious in cases like this one, where the complaint alleges that the merger has violated the FTC Act and the Clayton Act because it may substantially lessen competition or tend to create a monopoly in one or more relevant markets. For these reasons, we are reluctant to extend briefing periods beyond those prescribed by the Commission Rules of Practice.

The Commission nonetheless recognizes that there was a substantial volume of evidence presented in this matter concerning the four markets at issue. For this reason, some timing accommodation, on balance, is appropriate to give Respondents and Complaint Counsel adequate time to prepare their appeals.

Accordingly, for the foregoing reasons, upon consideration of Respondents' Motion For Extension of Time To File Appeal Brief, and Complaint Counsel's Response thereto,

IT IS ORDERED THAT (1) Respondents shall file their initial brief on appeal from the Initial Decision by August 4,2003, and (2) Respondents' appeal shall be deemed perfected "by the timely filing of an appeal brief," for purposes of Commission Rule 3.51(a), 16 C.F.R. § 3.51(a), if Respondents file their initial brief on appeal by that date; and

IT IS FURTHER ORDERED THAT (1) Complaint Counsel shall file their initial brief on appeal by September 10,2003, and (2) Complaint Counsel's appeal shall be deemed perfected "by the timely filing of an appeal brief" if Complaint Counsel file their brief on appeal by that date, whether or not Respondents have previously perfected their appeal.

By the Commission.

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Donald S. Clark Secretary

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ISSUED: July 17,2003