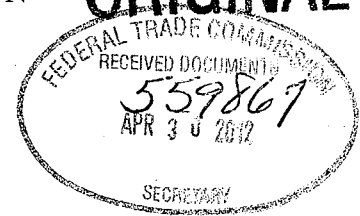


UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

ORIGINAL



In the Matter of

McWANE, INC.,
a corporation, and

STAR PIPE PRODUCTS, LTD.,
a limited partnership.

PUBLIC

DOCKET NO. 9351

**SECOND UNOPPOSED MOTION FOR EXTENSION OF TIME FOR MUELLER
WATER PRODUCTS, INC. TO FILE MOTION TO QUASH OR TO LIMIT
THE FEDERAL TRADE COMMISSION'S SUBPOENA *DUCES TECUM***

COMES NOW MUELLER WATER PRODUCTS, INC., BY AND THROUGH ITS
COUNSEL AND MOVES AS FOLLOWS:

1. On or about March 15, 2012, Federal Trade Commission ("FTC") Complaint Counsel served on Mueller Water Products ("Mueller") a Subpoena *Duces Tecum* (the "Subpoena") containing requests for documents and data, with a response date of April 4, 2012.
2. Mueller previously filed an unopposed motion to extend its deadline to file a motion to quash or to limit the Subpoena until April 27, 2012 or five (5) calendar days from the date on which Mueller or Complaint Counsel notified the other via email that the negotiations had broken down. The motion was granted, with a new deadline of April 30, 2012, by order of the Chief Administrative Law Judge signed March 28, 2012.
3. Mueller has produced responsive documents and data as agreed with Complaint Counsel through further negotiations. Complaint Counsel has requested additional time to review these documents and data to determine whether Complaint Counsel views them as a sufficient response to the Subpoena.
4. To facilitate Complaint Counsel's review of these documents and data while preserving Mueller's opportunity to move to quash or to limit the Subpoena, Complaint Counsel has agreed not to oppose Mueller's request for an additional thirty-one (31) days in which to file

a motion to quash or to limit the Subpoena should Mueller and Complaint Counsel be unable to resolve all issues regarding Mueller's response to the Subpoena; provided, however, that if either Mueller or Complaint Counsel notifies the other via email that the negotiations have broken down, Mueller shall have instead five (5) calendar days from the date on which the email was sent to file a motion to quash or to limit the Subpoena.

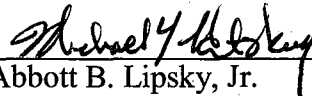
5. Therefore, Mueller requests that this Court grant it until the earlier of May 31, 2012 or five (5) calendar days from the date on which Mueller or Complaint Counsel notifies the other via email that the negotiations have broken down to file a motion to quash or to limit the Subpoena.

6. This extension has been agreed upon in order to afford Complaint Counsel sufficient time to review the documents and data that Mueller has produced and, if need be, to further negotiate with Mueller regarding its response to the Subpoena, thereby potentially avoiding the necessity of Mueller filing a motion to quash or to limit the Subpoena.

7. Undersigned counsel represents that he has conferred with Complaint Counsel and that Complaint Counsel does not object to the proposed extension.

Dated: April 30, 2012

Respectfully submitted,

By 
Abbott B. Lipsky, Jr.
Jason D. Cruise
Michael L. Hitsky
LATHAM & WATKINS LLP
555 Eleventh Street, NW, Suite 1000
Washington, DC 20004-1304
Telephone: (202) 637-2200
Facsimile: (202) 637-2201

Attorneys for Mueller Water Products, Inc.

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

In the Matter of

**McWANE, INC.,
a corporation, and**

**STAR PIPE PRODUCTS, LTD.,
a limited partnership.**

PUBLIC

DOCKET NO. 9351

**[PROPOSED] ORDER GRANTING SECOND UNOPPOSED MOTION OF NON-PARTY
MUELLER WATER PRODUCTS, INC. FOR EXTENSION OF TIME**

On April 30, 2012, non-party Mueller Water Products, Inc. ("Mueller") filed a second unopposed motion to extend the time for Mueller to file a motion to quash or to limit a Subpoena *Duces Tecum* (the "Subpoena") served on it on or about March 15, 2012 by Federal Trade Commission ("FTC") Complaint Counsel, with a response date of April 4, 2012.

By Order dated March 28, 2012, Mueller was previously granted an extension of time to move to limit or quash the Subpoena through April 30, 2012 or five (5) calendar days from the date on which Mueller or Complaint Counsel notifies the other via email that the negotiations have broken down.

In support of its motion, Mueller states that Complaint Counsel has requested additional time to review the documents and data that Mueller has produced to determine whether Complaint Counsel views them as a sufficient response to the Subpoena. Mueller further states that Complaint Counsel does not oppose an extension through the earlier of May 31, 2012 or five (5) calendar days from the date on which Mueller or Complaint Counsel notifies the other via email that the negotiations have broken down, in order to afford Complaint Counsel sufficient time to review the documents and data that Mueller has produced and, if need be, to further negotiate with Mueller regarding its response to the Subpoena, thereby potentially avoiding the necessity of Mueller filing a motion to quash or to limit the Subpoena.

Accordingly, based on the foregoing, the Unopposed Motion is GRANTED. It is hereby ORDERED that the deadline for non-party Mueller to file any motion to limit or quash the Subpoena shall be the earlier of May 31, 2012 or five (5) calendar days from the date on which Mueller or Complaint Counsel notifies the other via email that the negotiations have broken down.

ORDERED:

D. Michael Chappell
Administrative Law Judge

Date: _____

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

In the Matter of

**McWANE, INC.,
a corporation, and**

**STAR PIPE PRODUCTS, LTD.,
a limited partnership.**

PUBLIC

DOCKET NO. 9351

PROOF OF SERVICE OF PUBLIC FILING AND CERTIFICATION

I, Michael L. Hitsky, hereby certify that on this 30th day of April, 2012, I caused a copy of the documents listed below to be served *by hand* on each of the following: The Office of the Secretary of the Federal Trade Commission (original and two copies) and the Honorable D. Michael Chappell (one copy),

and by *electronic mail* to the Honorable D. Michael Chappell (omalj@ftc.gov); Thomas H. Brock (tbrock@ftc.gov); Edward Hassi (ehassi@ftc.gov); Linda Holleran (lholleran@ftc.gov); J. Alexander Ansaldo (jansaldo@ftc.gov); Andrew K. Mann (amann@ftc.gov); Jeanine Balbach (jbabach@ftc.gov); Michael J. Bloom (mjbloom@ftc.gov); Geoffrey Green (ggreen@ftc.gov); Joseph A. Ostoyich (joseph.ostoyich@bakerbotts.com); Andreas Stargard (andreas.stargard@bakerbotts.com); William Lavery (william.lavery@bakerbotts.com); Gregory Huffman (Gregory.Huffman@tklaw.com); William Katz (William.Katz@tklaw.com); Nicole Williams (Nicole.Williams@tklaw.com); and Brian Stoltz (Brian.Stoltz@tklaw.com):

- (1) Second Unopposed Motion for Extension of Time for Mueller Water Products, Inc. to File Motion to Quash or to Limit the Federal Trade Commission's Subpoena *Duces Tecum*;
- (2) [Proposed] Order Regarding Mueller Water Products, Inc.'s Deadline to File Motion to Quash or to Limit the Federal Trade Commission's Subpoena *Duces Tecum*;
- (3) This Proof of Service.

I also certify that on this 30th day of April, 2012, I caused to be served one copy via first class mail delivery of the foregoing documents upon:

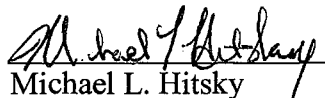
Thomas Brock
U.S. Federal Trade Commission
600 Pennsylvania Ave., NW
Washington, DC 20580

Joseph A. Ostoyich
Baker Botts LLP
1299 Pennsylvania Ave., NW
Washington, DC 20004

Gregory S.C. Huffman
Thompson and Knight LLP
1722 Routh Street, Suite 1500
Dallas, TX 75201

April 30, 2012

By:



Michael L. Hitsky
LATHAM & WATKINS LLP
555 Eleventh Street NW, Suite 1000
Washington D.C., 20009
Tel: (202) 637-2200
michael.hitsky@lw.com

Counsel for Mueller Water Products, Inc.