

December 19, 2017

+1 202 663 6000 (t)
+1 202 663 6363 (f)
wilmerhale.com

Inv. Nos. 701-TA-578 & 731-TA-1368
(Final Investigation)
Total Number of Pages: 8

PUBLIC DOCUMENT

BY HAND DELIVERY AND EDIS

The Honorable Lisa R. Barton
Secretary to the Commission
U.S. International Trade Commission
500 E Street, SW
Room 112
Washington, DC 20436

Re: **100- To 150-Seat Large Civil Aircraft from Canada: Request for Leave to
File Letter from the Governments of Canada and the United Kingdom**

Dear Secretary Barton:

The attached letter was delivered to Boeing Chairman, President and CEO Dennis A. Muilenburg literally during yesterday's proceeding before this Honorable Commission. The letter is directly relevant to the matter currently pending before the Commission and to the specific issues that remain for the Commission's determination.

We provide this letter to the Commission because we believe we have an obligation to do so. We provide it to the Commission both for its consideration and for any action that the Commission deems appropriate.

The Honorable Lisa R. Barton

December 19, 2017

Page 2

We respectfully request that the Commission draw those adverse inferences as to the substantive issues pending for this body's decision as would typically be drawn by a judicial, quasi-judicial, or administrative tribunal from a communication like this to a party to withdraw its legal complaint before that forum.

We are simultaneously providing the letter to Mr. Muilenburg, together with this letter to the Commission, to the Department of Commerce for its consideration and action as it deems appropriate.

Good cause exists to accept this submission.¹ Section 201.13(f) of the Commission's regulations provides that a party may file supplementary material with the Commission, including "information not available to a party at the time its prehearing brief was filed."² As noted, the attached letter was delivered to Mr. Muilenburg during yesterday's hearing. We are submitting it at the first opportunity. The Commission should consider the letter as supplementing the testimony of the representatives of the Governments of Canada and the United Kingdom.

¹ See *100- to 150-Seat Large Civil Aircraft from Canada; Scheduling of the Final Phase of Countervailing Duty and Antidumping Duty Investigations*, 82 Fed. Reg. 49,850, 49,851 (providing for additional written submissions where good cause is shown).

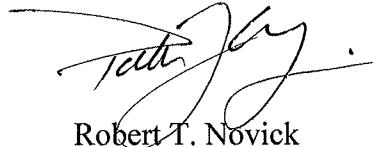
² 19 C.F.R. § 201.13(f).

The Honorable Lisa R. Barton
December 19, 2017
Page 3

* * * *

We are providing the Commission with paper copies of this submission. Copies of this submission are being served on all parties pursuant to the attached Certificate of Service.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert T. Novick", with a long horizontal flourish extending to the left.

Robert T. Novick
Patrick J. McLain
Stephanie E. Hartmann
William Desmond

Counsel to The Boeing Company


CERTIFICATION

CITY OF WASHINGTON)
)
DISTRICT OF COLUMBIA)

ss:

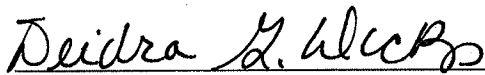
I, Patrick J. McLain, counsel to The Boeing Company, certify that (1) I have read the enclosed submission dated December 19, 2017, and (2) based on the information made available to me, I have no reason to believe that this submission contains any material misrepresentation or omission of fact.

I certify that the foregoing statements are true and accurate. I am aware that the information contained above may be subject to verification or corroboration (as appropriate) by the U.S. International Trade Commission. I am also aware that U.S. Law (including, but not limited to 18 U.S.C. § 1001) imposes criminal sanctions on individuals who knowingly and willfully make material false statements to the U.S. Government.



Patrick J. McLain

Subscribed and sworn to before me on December 19, 2017.



Notary Public

My Commission Expires: 2/28/2022



PUBLIC CERTIFICATE OF SERVICE
100- To 150-Seat Large Civil Aircraft from Canada
Inv. Nos. 701-TA-578 & 731-TA-1368 (Final)

I, Patrick J. McLain of Wilmer Cutler Pickering Hale and Dorr LLP, hereby certify that a copy of this submission was served via hand delivery this 19th day of December 2017:

Shara Aranoff, Esq.
Covington & Burling LLP
One CityCenter
850 Tenth Street, NW
Washington, DC 20001-4956

Matthew J. Clark, Esq.
Arent Fox LLP
1717 K Street, NW
Washington, DC 20006-5344

Yohai Baisburd, Esq.
Dentons US LLP
1900 K Street, NW
Washington, DC 20006-1102

Daniel L. Porter, Esq.
Curtis, Mallet-Prevost, Colt & Mosle LLP
1717 Pennsylvania Avenue, NW
Washington, DC 20006

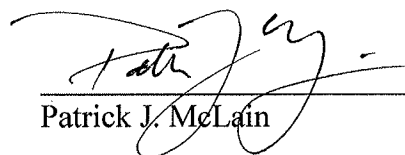
H. Deen Kaplan, Esq.
Hogan Lovells US LLP
555 Thirteenth Street, NW
Washington, DC 20004

Richard L.A. Weiner, Esq.
Sidley Austin LLP
1501 K Street, NW
Washington, DC 20005

Sibylle Zitko, Esq.
European Union
2175 K Street, NW
Washington, DC 20037-1831

Eric C. Emerson, Esq.
Steptoe & Johnson LLP
1330 Connecticut Ave., NW
Washington, DC 20036

Thomas J. Trendl, Esq.
Steptoe & Johnson LLP
1330 Connecticut Ave., NW
Washington, DC 20036


Patrick J. McLain

ATTACHMENT



Minister of Foreign Affairs
Ministre des Affaires étrangères



Department for
Business, Energy
& Industrial Strategy

DEC 18 2017

Mr. Dennis A. Muilenburg
Chairman of the Board and
President and Chief Executive Officer
The Boeing Company
100 North Riverside
Chicago IL 60606
UNITED STATES OF AMERICA

Dear Mr. Muilenburg:

We are writing to you with regard to the ongoing subsidy and dumping investigations into imports of Bombardier C-series aircraft into the United States brought about by Boeing.

We were both extremely disappointed that this case was instigated by Boeing and are keen to get the matter resolved without the need for further legal proceedings. Despite some publicity to the contrary, Boeing does not produce an aircraft that competes with the CS100. The dominance of the Boeing 737 family of aircraft in the U.S. market, Boeing's strong financials and impressive backlog of orders make it even more difficult to understand how Boeing could allegedly be threatened with injury by the C-series.

Further, you will only be too familiar with pricing strategies for new aircraft, and realize that the C-series order with Delta was in accordance with common practice in the industry and follows an approach Boeing itself takes. Both our governments have been clear from the outset that Boeing's position is not what we would expect of a long-term, trusted partner.


Both nations have built a strong partnership with Boeing over many years. The potential impact on jobs in Canada and the United Kingdom makes it difficult to sustain support for the procurement approaches that we have followed in the past, which have been of significant benefit to Boeing.

On December 12, 2017, the Government of Canada launched an open and transparent competition for the permanent replacement of Canada's fighter fleet. Given that the government feels it is important to do business with trusted partners, the evaluation of proposals will also include an assessment of bidders' impact on Canadian economic interests.

Similarly, the United Kingdom is now likely to explore a wider range of procurement alternatives in the future than would have otherwise been the case, in line with requirements on all U.K. procurers to consider social and economic objectives.

We hope you will agree that it is in our collective interests for this issue to be resolved as soon as possible and would welcome an opportunity to see how we could settle this case in a reasonable way for all concerned.

Sincerely,

A handwritten signature in dark ink, appearing to be 'C. Freeland', written in a cursive style.

The Hon. Chrystia Freeland, P.C., M.P.
Minister of Foreign Affairs

A handwritten signature in dark ink, appearing to be 'Greg Clark', written in a cursive style.

The Rt. Hon. Greg Clark, M.P.
Secretary of State for Business,
Energy and Industrial Strategy