

COMMERCIAL METALS CO

Form 8-K

April 21, 2005

**UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION  
WASHINGTON, DC 20549**

**FORM 8-K**

**CURRENT REPORT PURSUANT  
TO SECTION 13 OR 15(D) OF THE  
SECURITIES EXCHANGE ACT OF 1934**

Date of report (Date of earliest event reported) **April 21, 2005 (April 20, 2005)**

**Commercial Metals Company**

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(Exact Name of Registrant as Specified in Its Charter)

**Delaware**

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(State or Other Jurisdiction of Incorporation)

**1-4034**

(Commission File Number)

**6565 N. MacArthur Blvd.  
Irving, Texas**

(Address of Principal Executive Offices)

**75-0725338**

(IRS Employer Identification No.)

**75039**

(Zip Code)

**(214) 689-4300**

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(Registrant's Telephone Number, Including Area Code)

**Not Applicable**

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(Former Name or Former Address, if Changed Since Last Report)

Check the appropriate box below if the Form 8-K filing is intended to simultaneously satisfy the filing obligation of the registrant under any of the following provisions (*see* General Instruction A.2. below):

- ☐ Written communications pursuant to Rule 425 under the Securities Act (17 CFR 230.425)
- ☐ Soliciting material pursuant to Rule 14a-12 under the Exchange Act (17 CFR 240.14a-12)

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- o Pre-commencement communications pursuant to Rule 14d-2(b) under the Exchange Act (17 CFR 240.14d-2(b))
  - o Pre-commencement communications pursuant to Rule 13e-4(c) under the Exchange Act (17 CFR 240.13e-4(c))
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**Item 1.01 Entry into a Material Definitive Agreement.**

On April 20, 2005, Commercial Metals Company (the Company ) entered into an Amendment (the Amendment ) to the Amended and Restated Receivables Purchase Agreement, dated April 22, 2004 (the RPA ), among CMC Receivables Inc., the Company, Three Rivers Funding Corporation, Liberty Street Funding Corp., The Bank of Nova Scotia and Mellon Bank, N.A.. The Amendment amended Section 1.01 of the RPA, a copy of which was filed as Exhibit 10(i)f to the Company s Form 10-Q for the quarter ending May 31, 2004, to change the definition of Commitment Termination Date from April 20, 2005 to April 14, 2006.

The Amendment is attached as Exhibit 10.1.

**Item 9.01. Financial Statements and Exhibits.**

(c) Exhibits

The following exhibits are furnished with this Form 8-K.

- 10.1 Amendment to Amended and Restated Receivables Purchase Agreement dated as of April 20, 2005 among CMC Receivables, Inc., Commercial Metals Company, Three Rivers Funding Corporation and Liberty Street Funding Corp., The Bank of Nova Scotia and Mellon Bank, N.A..
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**SIGNATURES**

Pursuant to the requirements of the Securities Exchange Act of 1934, the registrant has duly caused this report to be signed on its behalf by the undersigned hereunto duly authorized.

**COMMERCIAL METALS COMPANY**

Date: April 21, 2005

By: /s/William B. Larson  
Name: William B. Larson  
Title: Vice President and Chief Financial  
Officer

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**EXHIBIT INDEX**

| Exhibit No. | Description of Exhibit   |
|-------------|--|
| 10.1        | Amendment to Amended and Restated Receivables Purchase Agreement dated as of April 20, 2005 among CMC Receivables, Inc., Commercial Metals Company, Three Rivers Funding Corporation and Liberty Street Funding Corp., The Bank of Nova Scotia and Mellon Bank, N.A. |