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April 16, 2024

VIA EMAIL

Jenny Grunditz,
Policy Advisor,
Oregon Health Authority
Health Policy & Analytics Division
421 SW Oak Street,
Portland, OR 97204.

Re: Kroger/Albertsons

Dear Jenny:

I write on behalf of C&S Wholesale Grocers (“C&S”) regarding the Second Supplemental Information Request issued by the Oregon Health Authority (“OHA”) to The Kroger Company (“Kroger”) on December 18, 2023. That Request included a number of questions directed to C&S, as well as separate questions directed to Kroger and Albertsons Companies, Inc. (“Albertsons”).

Based on the guidance that OHA provided to Kroger—which instructed Kroger to combine responses from Kroger, Albertsons, and C&S into a single combined submission—C&S submitted its responses to the Request directly to Kroger, on the understanding that Kroger would include C&S’s responses in its combined submission to OHA. C&S provided its responses to Kroger on January 26, 2024. It is our understanding, however, that Kroger has not yet submitted that material to OHA.

C&S believes it is necessary to communicate this information to OHA because of comments made by OHA Staff and Community Review Board members during the meeting of the Kroger-Albertsons Community Review Board on April 10, 2024. During the April 10 meeting, the suggestion was made that C&S had not been sufficiently responsive to OHA’s requests for information and that C&S’s failure to respond to the Second Supplemental Information Request demonstrated a lack of “professionalism.” We believe those comments are inaccurate. C&S devoted substantial resources to OHA’s requests and provided comprehensive responses to OHA’s questions to Kroger in a period of less than six weeks. OHA’s inability to review those responses

Jenny Grunditz

-2-

is the result of OHA's request for a combined submission, not a lack of attention by C&S. To the extent OHA would prefer to receive information directly from C&S, C&S would be happy to provide its responses at any time.

We would ask that OHA Staff promptly communicate this information to the members of the Community Review Board to correct the misleading impression created by the OHA staff's comments. C&S takes seriously the role of the Community Review Board in assessing the effects of the divestiture on healthcare services in Oregon and has undertaken considerable efforts to ensure that it will successfully operate pharmacies throughout the state following the transaction. For those reasons, C&S acted diligently to collect information requested by OHA and to provide that information to Kroger.

Sincerely,

/s/ Renata B. Hesse

Renata B. Hesse