

April 22, 2024

**VIA EMAIL**

Jenny Grunditz  
Policy Advisor  
Health and Policy Analytics Division  
Oregon Health Authority  
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Portland, OR 97204  
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Re: Kroger/Albertsons - Response to OHA's Letter Dated April 18, 2024

Dear Jenny:

I write on behalf of Kroger, Albertsons, and C&S Wholesale Grocers in response to your April 18 letter regarding the status of the parties' responses to the RFIs issued on December 18, 2023 and February 23, 2024.

Kroger, Albertsons, and C&S have been negotiating changes to the divestiture package, and this morning Kroger and Albertsons announced that they have entered an amended divestiture agreement with C&S that updates and expands the initial package. *See* Press Release, Kroger, Albertsons Companies and C&S Wholesale Grocers, LLC Announce an Updated and Expanded Divestiture Plan (Apr. 22, 2024), <https://www.prnewswire.com/news-releases/kroger-albertsons-companies-and-cs-wholesale-grocers-llc-announce-an-updated-and-expanded-divestiture-plan-302123299.html>. As noted in the press release, Kroger and Albertsons now plan to divest 62 Albertsons and Kroger stores in Oregon and 579 stores in total, an increase of 13 stores in Oregon (and 166 nationwide) from the initial divestiture package.

Responding to OHA's pending RFIs prior to the completion of negotiations related to the updated divestiture package would have led to wasted effort by the parties to prepare and by OHA to analyze responses that did not align with the updated package. Moreover, providing a partial response to the pending RFIs would not accelerate the timeline of the OHA's review. Now that an agreement on the updated divestiture package has been

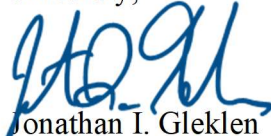
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executed, we anticipate providing responses to the December and February RFIs within the next two weeks.

Please do not hesitate to contact me if you have any questions.

Sincerely,



Jonathan I. Gleklen

Counsel to The Kroger Co.

Enclosures (as stated)

cc: George Paul & Doug Jasinski, Counsel to Albertsons Companies, Inc.  
Renata Hesse, Counsel to C&S Wholesale Grocers, LLC