



April 12, 2024

Re: Comprehensive Review — **013 Kroger-Albertsons**

---

As we have previously discussed, the Oregon Health Authority's Health Care Market Oversight (HCMO) Program has convened a Community Review Board ("Kroger CRB"), pursuant to Oregon Revised Statute (ORS) 415.501(7) and Oregon Administrative Rules (OAR) 409-070-0062, to review the pending 013 Kroger-Albertsons proposed transaction (the "transaction") and provide recommendations to OHA.

The Kroger CRB will be holding a Public Hearing on the transaction on Wednesday, April 24, 2024, 1:00 - 3:00 PM (Pacific time), via Zoom. In correspondence dated April 5, 2024, OHA requested the attendance of representatives from Kroger, Albertsons, and C&S to appear virtually at the Public Hearing and provide sworn testimony. **Please provide the names of all individuals appearing on behalf of Kroger, Albertsons, and C&S no later than close of business on April 15, 2024.**

The Kroger CRB has requested access to the maps provided in response to RFI 3 included in Kroger's Supplemental Response to OHA, dated October 20th, 2023. These include the following:

- The maps Kroger provided identifying pharmacies near each Kroger store in Oregon with a pharmacy that is within 5 or 10 miles of an Albertsons store with a pharmacy (KR-OHA-000000094 to KR-OHA-000000145).
- The maps Kroger provided on behalf of Albertsons that identify pharmacies near each Albertsons store in Oregon with a pharmacy that is within 5 or 10 miles of a Kroger store within a pharmacy. (ACI-ORHCMO-00000002 to ACI-ORHCMO-00000003).

The above maps have all been marked as "Trade Secrets" per ORS 192.345(2). Please confirm if you consent to providing the above maps to the Kroger CRB to help inform its review of the transaction.

If you do not consent to releasing these documents to the Kroger CRB, please provide HCMO with information or legal argument supporting the assertion that the above redactions qualify for the ORS 192.345(2) trade secret exemption under Oregon Public Records Law. Such information may include, but is not limited to:

1. Internal steps the parties have taken to keep the information secret;
2. To the extent the information is, by necessity, shared with or known by outside parties, the steps taken to ensure that these parties keep the information secret;
3. How the information would be economically valuable to a competitor or could be used to economically harm the entity; and
4. The time, effort, and expense needed to compile the information.

Please don't hesitate to contact us with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Sarah Bartelmann". The signature is fluid and cursive, with a long horizontal stroke at the end.

Sarah Bartelmann, MPH  
Health Care Market Oversight Program Manager  
Oregon Health Authority