



April 15, 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.

On April 12, 2024, HCMO notified the entities of the Kroger CRB's request for access to maps provided in response to RFI 3 included in Kroger's Supplemental Response to OHA, dated October 20th, 2023. These included 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-000000002 to ACI-ORHCMO-000000003).

The Kroger CRB is requesting access to additional materials marked by the entities as "Trade Secrets" per ORS 192.345(2). These include:

- The list of Oregon stores in Kroger's divestiture proposal, submitted to HCMO as part of the divestiture proposal on September 12, 2023 (unmarked).
- The supplemental list of divestitures submitted to HCMO on December 15, 2023 (KR-OHA-000000233 to KR-OHA-000000270).
- The business plan that C&S Wholesale Grocers, LLC presented to the FTC in October 2023, as submitted in response to RFI's 1, 6, 7 and 8 to HCMO on October 20, 2023 (Exhibit 1-2).
- Store-level financial information for Kroger and Albertson's Oregon stores, as submitted in response to RFI 2 on October 20, 2023 (Exhibits 2-1 to 2-5, and ACI-ORHCMO-000000001).

Please confirm if you consent to providing any of the above requested documentation to the Kroger CRB to help inform its review of the transaction. All documents the entities consent to release will be posted to the HCMO public-facing [website](#).

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

Sincerely,

Sarah Bartelmann, MPH
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Oregon Health Authority