

**OMI RESPONSES TO OHA SUPPLEMENTAL
INFORMATION REQUEST**

DATED FEBRUARY 14, 2025

1. **The redaction log is marked “Confidential.” As seen on HCMO’s website, all redaction logs are made publicly available. OHA will be publicly posting this redaction log and requests that the Entities relabel the document to remove the “Confidential” designation.**

Please find attached an updated Redaction Log to be publicly posted with the Parties’ HCMO submission.

2. **In Exhibit 6, the “6b. Facilities rev” tab, the notes state “Rotech does not break down Revenue by facility type. We break it down by payor type, which is included in tab 6a.”**
 - a. **It is OHA’s understanding, per Entities’ response to RFI #2, that Rotech does not sell to facilities in Oregon, which is the reason why no such revenues are reported in Exhibit 6. Please confirm OHA’s understanding.**

The Parties confirm OHA’s understanding that Rotech does not sell to facilities in Oregon.

- b. **Please also confirm that revenues recorded in the tab “6a. Direct to patient rev.” are in fact limited to direct-to-patient sales and exclude any sales to facilities.**

The Parties confirm OHA’s understanding that the revenues in the tab “6a. Direct to patient rev.” are in fact limited to direct-to-patient sales and exclude any sales to facilities.

3. **In Exhibit 6, the “6a. Direct to patient rev.” tab, the notes specify that revenues for Apria are “Net Revenue” whereas revenues for Byram are “Gross Revenue.”**

- a. **Please define Net Revenue and Gross Revenue in this context.**

The Parties have modified Exhibit 6 such that all revenue data is reported in gross revenue for clarity and ease of comparison. Gross revenue is revenue that is booked at the contracted or allowed rate for the supply type/service line listed in the schedule.

- b. **Would comparison (to each other) of the revenue data provided for Apria and Byram be appropriate? Why or why not?**

Yes. As explained in our response to Question 3(a), all revenue data in Exhibit 6 is now being reported as gross revenue and comparison of such revenue data for Apria and Byram would be appropriate.

- c. **If the answer to b. is “No,” please provide comparable revenue data for the Apria and Byram divisions.**

Not applicable.

- d. Please specify whether revenues for Lofta & Apria Direct and Rotech are provided as Gross or Net Revenues according to the definitions provided in response to 3.a. above.

All revenue for Lofta & Apria Direct and Rotech are presented as gross revenue.

- e. Are revenue data provided for Apria, Byram, Lofta & Apria Direct, and Rotech comparable to each other? Why or why not?

Yes. The revenue data in Exhibit 6 is comparable across all divisions and products. As explained in our response to Question 3(a), all revenue data is now being reported as gross revenue and therefore comparison of such data across all divisions and products would be appropriate.

- f. If the answer to e. is “No,” please provide revenue data comparable across all divisions.

Not applicable.

4. Entities’ response to Item 7(b) of the Notice Submission, and to RFIs 9 and 13 assert that the requested information is being withheld based on attorney-client privilege. However, responses to items 4(c) and 4(d) of OMI’s Pre-Merger Notification Filing (at HCMO_SUBMISSION_00060 through 00065) identify numerous studies, surveys, analyses, and reports not included in the Entities’ Notice or RFI Responses. According to OMI’s § 803.3(d) Privilege Log, of this long list of documents in response to items 4(c) and 4(d), OMI only redacted four documents based on attorney-client privilege, listed as Exhibits 4(d)-11 through 4(d)-14, and withheld three documents, listed as Exhibits P-01, P-02, and P-03. Entities must provide all documents provided to the FTC under items 4(c) and 4(d) in response to item 7(b) of the Notice, and to RFIs 9 and 13 as applicable, including those noted as “redacted” under Exhibits 4(d)-11 through 4(d)-14.

Please find attached Exhibits 4(c)-1 through 4(d)-14 to the Parties’ Pre-Merger Notification Filing. These documents have been provided to OHA in the same form as they were provided to the FTC. Exhibits 4(d)-11 through 4(d)-14 are partially redacted on the basis of attorney-client privilege as they were in the Parties’ Pre-Merger Notification Filing.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]