

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

COMMISSIONERS: **Lina M. Khan, Chair**
Rebecca Kelly Slaughter
Alvaro M. Bedoya
Melissa Holyoak
Andrew Ferguson

In the Matter of
The Kroger Company

and

Albertsons Companies, Inc.

Docket No. 9428

ORDER EXTENDING DEADLINE FOR COMMISSION RULING

On February 26, 2024, the Commission issued an administrative complaint alleging that the proposed merger of The Kroger Co. and Albertsons Companies, Inc. (jointly, “Respondents”), if consummated, would violate Section 7 of the Clayton Act and Section 5 of the FTC Act. Also on February 26, 2024, the Commission filed a complaint in the United States District Court for Oregon seeking a temporary restraining order and a preliminary injunction to prevent Respondents from consummating their proposed merger until final resolution of this administrative proceeding. *See FTC v. Kroger Co.*, No 3:24-cv-00347-AN (D. Or.). The administrative hearing is scheduled to begin on July 31, 2024. The hearing in federal court on the preliminary injunction is scheduled to begin on August 26, 2024.

On March 26, 2024, Respondents filed a Motion for Continuance of Evidentiary Hearing (“Motion”), which asks the Commission to delay the start of the administrative hearing to October 21, 2024, to avoid a potential overlap between the administrative and preliminary injunction hearings. Complaint Counsel have opposed Respondents’ Motion. Pursuant to Commission Rule 3.22(a), 16 C.F.R. § 3.22(a), a ruling on Respondents’ Motion is due by May 22, 2024.

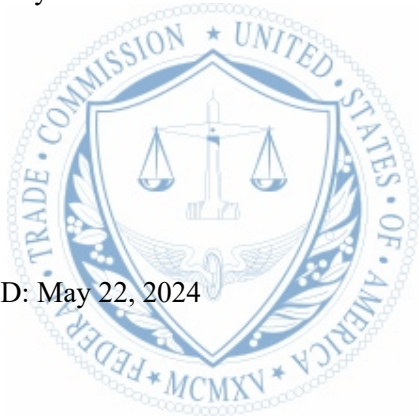
Commission Rule 4.3(b), 16 C.F.R. § 4.3(b), authorizes the Commission, for good cause, to extend the deadline to issue the ruling addressing Respondents’ Motion. To facilitate our consideration of the issues raised by the Motion, we find good cause to extend the deadline for issuance of our ruling to May 29, 2024.

Accordingly,

IT IS HEREBY ORDERED THAT the Commission’s deadline to rule on Respondents’ Motion

for Continuance of Evidentiary Hearing is extended to May 29, 2024.

By the Commission.



April J. Tabor
Secretary

SEAL:
ISSUED: May 22, 2024