

William E. Kovacic
J. Thomas Rosb

In the Matter of)
) **Docket No. 9324**
WHOLE FOODS MARKET, INC.,)
a corporation.) **PUBLIC**
)
)

ORDER GRANTING KROGER CO. REQUEST

The Kroger Co. ("Kroger") has effected a filing joining and incorporating by reference the Motion to Enforce Protective Order ("Third Parties' Motion") which Ahold U.S.A., Inc., New Seasons Market, Inc., Save Mart Supermarkets, Gelson's Markets, Safeway, Inc., Harris Teeter, Inc., and Apollo Management Holding L.P. filed on July 2, 2009. The Commission issued an Order granting that Motion on July 9, 2009 (copy attached) and Kroger filed its joinder on July 13, 2009. The Kroger filing therefore will be treated as a request for a protective order. Tj 59.8800 0.0000 TD (d s