

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 91640 / April 22, 2021

Admin. Proc. File No. 3-19944

In the Matter of

AFFILIATED FOOD STORES, INC.

ORDER REGARDING SERVICE

The Securities and Exchange Commission (“Commission”) issued an Order Instituting Proceedings (“OIP”) on August 27, 2020, pursuant to Section 12(j) of the Securities Exchange Act of 1934, against respondent Affiliated Food Stores, Inc. (“Respondent”).¹

Rule 141(a)(2)(ii) of the Commission’s Rules of Practice provides that service of an order instituting proceedings may be made on “an issuer of a class of securities registered with the Commission,” such as Respondent, “by sending a copy of the order addressed to the most recent address shown on the entity’s most recent filing with the Commission by U.S. Postal Service certified, registered, or Express Mail and obtaining a confirmation of attempted delivery.”²

On October 6, 2020, the Division of Enforcement filed a declaration, which stated that, on August 29, 2020, service of the OIP was attempted at “100 Affiliated Dr. PO Box 1000 Keller, TX 76248” (the “Declaration Address”). The declaration also stated that the Declaration Address was “taken from [Respondent]’s last filing with the Commission, which was a Form 8-K filed with the Commission on January 11, 1996.” But that filing lists the address of Respondent’s principal executive offices as “522 North Beach Street, Fort Worth, Texas 76111” (the “Filing Address”).³ Because the Filing Address and Declaration Address differ, it appears that the OIP was not properly served on Respondent pursuant to Rule 141(a)(2)(ii).

¹ *Affiliated Food Stores, Inc.*, Exchange Act Release No. 89701, 2020 WL 5098159 (Aug. 27, 2020).

² 17 C.F.R. § 201.141(a)(2)(ii).

³ See *Affiliated Food Stores, Inc.*, Current Report, Amendment No. 10 (Form 8-K/A) (Jan. 11, 1996) (available from Thomson ONE database).

Accordingly, IT IS ORDERED that the Division of Enforcement file a status report concerning service of the OIP by May 20, 2021, and every 28 days thereafter until service is accomplished.

The parties' attention is called to the Commission's March 18, 2020 order regarding the filing and service of papers, which provides that pending further order of the Commission parties to the extent possible shall submit all filings electronically at apfilings@sec.gov.⁴ Also, the Commission's Rules of Practice were recently amended to include new e-filing requirements, which took effect on April 12, 2021.⁵

For the Commission, by the Office of the General Counsel, pursuant to delegated authority.

Vanessa A. Countryman
Secretary

⁴ *Pending Administrative Proceedings*, Exchange Act Release No. 88415, 2020 WL 1322001 (Mar. 18, 2020), <https://www.sec.gov/litigation/opinions/2020/33-10767.pdf>.

⁵ *Amendments to the Commission's Rules of Practice*, Exchange Act Release No. 90442, 2020 WL 7013370 (Nov. 17, 2020), 85 Fed. Reg. 86,464, 86,474 (Dec. 30, 2020), <https://www.govinfo.gov/content/pkg/FR-2020-12-30/pdf/2020-25747.pdf>; see also *Instructions for Electronic Filing and Service of Documents in SEC Administrative Proceedings and Technical Specifications*, <https://www.sec.gov/efapdocs/instructions.pdf>. The amendments also impose other obligations on parties to administrative proceedings such as a new redaction and omission of sensitive personal information requirement. *Amendments to the Commission's Rules of Practice*, 85 Fed. Reg. at 86,465–81.