

PINNACLE WEST CAPITAL CORP

FORM 8-K (Current report filing)

Filed 04/21/04 for the Period Ending 04/16/04

Address	400 NORTH FIFTH STREET MS8695 PHOENIX, AZ 85004
Telephone	602 250 1000
CIK	0000764622
Symbol	PNW
SIC Code	4911 - Electric Services
Industry	Electric Utilities
Sector	Utilities
Fiscal Year	12/31

SECURITIES AND EXCHANGE COMMISSION
Washington, D.C. 20549

FORM 8-K
CURRENT REPORT

Pursuant to Section 13 or 15(d) of the
Securities Exchange Act of 1934

Date of Report (Date of earliest event reported): April 16, 2004

PINNACLE WEST CAPITAL CORPORATION

(Exact name of registrant as specified in its charter)

Arizona

1-8962

86-0512431

(State or other jurisdiction
of incorporation)

(Commission
File Number)

(IRS Employer
Identification Number)

400 North Fifth Street, P.O. Box 53999, Phoenix,
Arizona

85072-3999

(Address of principal executive offices)

(Zip Code)

(602) 250-1000

(Registrant's telephone number, including area code)

NONE

(Former name or former address, if changed since last report)

Item 5. Other Events.

Attached is the Procedural Order which revises the procedural schedule and timing of the Arizona Public Service Company (“APS”) general rate case. For additional information regarding the rate case, see “APS General Rate Case and Retail Rate Adjustment Mechanisms” in Note 3 of Notes to Consolidated Financial Statements in the Pinnacle West Capital Corporation (the “Company”) Annual Report on Form 10-K for the fiscal year ended December 31, 2003.

Item 7. Financial Statements, Pro Forma Financial Information and Exhibits

(c) Exhibits.

Exhibit No.	Description
99.1	Procedural Order dated April 16, 2004

SIGNATURES

Pursuant to the requirements of the Securities Exchange Act of 1934, the Company has duly caused this report to be signed on its behalf by the undersigned hereunto duly authorized.

PINNACLE WEST CAPITAL CORPORATION
(Registrant)

Dated: April 21, 2004

By: /s/ Barbara M. Gomez

Barbara M. Gomez
Vice President and Treasurer

Exhibit 99.1

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

MARC SPITZER, Chairman
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
MIKE GLEASON
KRISTIN K. MAYES

IN THE MATTER OF THE APPLICATION OF
ARIZONA PUBLIC SERVICE COMPANY FOR A
HEARING TO DETERMINE THE FAIR VALUE
OF THE UTILITY PROPERTY OF THE
COMPANY FOR RATEMAKING PURPOSES, TO
FIX A JUST AND REASONABLE RATE OF
RETURN THEREON, TO APPROVE RATE
SCHEDULES DESIGNED TO DEVELOP SUCH
RETURN, AND FOR APPROVAL OF
PURCHASED POWER CONTRACT.

DOCKET NO. E-01345A-03-0437

PROCEDURAL ORDER

BY THE COMMISSION:

On April 6, 2004, Arizona Corporation Commission Staff filed a Motion to Amend the Rate Case Procedural Order ("Motion"). On April 15, 2004, a procedural conference was held to hear argument/discussion on the Motion. The parties were in support of Staff's Motion, and also agreed that APS' request for an additional two weeks for filing rejoinder testimony was acceptable. The parties provided initial but limited discussion on the request for a temporary stay of the procedural schedule and discovery, and accordingly, additional argument on that request is appropriate.

IT IS THEREFORE ORDERED that any surrebuttal testimony and associated exhibits to be presented by the Staff or intervenors at the hearing shall be reduced to writing and filed on or before NOON ON JUNE 4, 2004.

IT IS FURTHER ORDERED that any rejoinder testimony and associated exhibits to be presented at the hearing on behalf of APS shall be reduced to writing and filed on or before NOON ON JULY 2, 2004.

IT IS FURTHER ORDERED that a procedural conference to hear oral arguments on the Alliance's Motion and on the requested temporary stay of the procedural schedule and further discovery pending settlement discussions shall be held on April 28, 2004 beginning at 9:30 a.m. or as

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soon thereafter as is practical, at the Commission's office, 1200 W. Washington Street, Phoenix, Arizona.(1)

IT IS FURTHER ORDERED that APS shall file its response to the Alliance Motion on or before April 22, 2004.

IT IS FURTHER ORDERED that the cut-off date for discovery is July 8, 2004.

IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized Communications) continues to apply to this proceeding.

IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

DATED this 16 day of April, 2004.

/s/ Lyn Farmer

LYN FARMER
CHIEF ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed/delivered this 16 day of April, 2004 to:

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By: /s/ Molly Johnson

Molly Johnson
Secretary to Lyn Farmer