**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 | (Commission | (IRS Employer |
| of incorporation) | File Number) | 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

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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

DOCKET NO. E-01345A-03-0437

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. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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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DOCKET NO. E-01345A-03-0437

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

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LYN FARMER

CHIEF ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed/delivered

this 16 day of April, 2004 to:

Thomas L. Mumaw

Karilee S. Ramaley

PINNACLE WEST

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1. The telephone number for parties appearing telephonically is 602 542-9010. 2

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By: /s/ Molly Johnson

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Molly Johnson

Secretary to Lyn Farmer

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