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AZ CORP COMMISSION
DOCUMENT CONTROL

Arizona Corporation Commission
DOCKETED

JAN 15 2004

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Via Overnight Mail

January 14, 2004

Arizona Corporation Commission
Attn: Docket Filing Window
1200 Washington Street
Phoenix, AZ 85007

Re: Docket No. E-01345A-03-0437

Dear Sir or Madam:

Please find enclosed the original and thirteen (13) copies of the Response of The Kroger Co. to First Set of Data Requests of the Arizona Public Service Company filed in the above-referenced matter.

Please place this document of file.

Very Truly Yours,

Michael L. Kurtz, Esq.
BOEHM, KURTZ & LOWRY

MLKkew
Attachments

CERTIFICATE OF SERVICE

I hereby certify that true copy of the foregoing was served by regular U.S. mail (unless otherwise noted), this 14th day of January, 2004.

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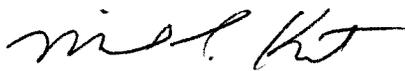
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BEFORE THE ARIZONA CORPORATION COMMISSION DOCUMENT CONTROL

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

Arizona Corporation Commission DOCKETED

JAN 15 2004

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RESPONSE OF THE KROGER CO. TO TO FIRST SET OF DATA REQUESTS OF ARIZONA PUBLIC SERVICE COMPANY

Q.1-1 Concurrently with the filing of any testimony on behalf of Kroger Company, please provide:

- (a) A copy of any document referenced in the testimony or relied on in preparing the testimony, other than documents provided by APS;
(b) A copy of all reports, workpapers, and other supporting documents that relate to the testimony;
(c) An electronic copy in Microsoft Excel or other original format, with all formulae intact, of all workpapers provided in response to subpart (b), above;
(d) A copy of the testimony in electronic format (either Adobe Acrobat or Microsoft Word format).

ANSWER: As requested, The Kroger Co. will respond to this data request concurrently with the filing of any testimony on their behalf in this proceeding.

Q.1-2 Concurrently with the filing of any testimony on behalf of Kroger Company, please provide:

- (a) A complete curriculum vitae for the witness filing such testimony;**
- (b) A complete list of articles, presentations, publications, testimony and affidavits prepared by or on behalf of such witness;**
- (c) A Copy ,of any prior testimony prepared in the last 10 years addressing the same subject matter as the witness's testimony in this proceeding, and a copy of any final order (i.e., not procedural or interlocutory orders) of a regulatory body in the proceeding involving such testimony.**

ANSWER: As requested, The Kroger Co. will respond to this data request concurrently with the filing of any testimony on their behalf in this proceeding.

Q.1-3 Concurrently with the filing of any testimony on behalf of Kroger Company, please provide a copy ,of any contract or fee agreement, and all related documentation, between KROGER COMPANY and the witness to this proceeding.

ANSWER: As requested, The Kroger Co. will respond to this data request concurrently with the filing of any testimony on their behalf in this proceeding.

Q.1-4 Concurrently with the filing of any testimony on behalf of Kroger Company, please provide a copy of any request for proposal or solicitation that was used by KROGER COMPANY in connection with the engagement or retention of the witness providing such testimony.

ANSWER: As requested, The Kroger Co. will respond to this data request concurrently with the filing of any testimony on their behalf in this proceeding.

Q.1-5 Concurrently with the filing of any testimony on behalf of Kroger Company, please provide a firm resume of any consulting firm that employs the witness submitting such testimony. If the firm has multiple resumes, provide the resume that most closely addresses the subject matter of the testimony.

ANSWER: As requested, The Kroger Co. will respond to this data request concurrently with the filing of any testimony on their behalf in this proceeding.

Q.1-6 Please provide a copy of all data requests served by Kroger Company on any party other than APS in this proceeding. Please consider this an ongoing data request throughout this proceeding.

ANSWER: To date, the Kroger Co. has not served any data requests on any party other than APS in this proceeding.

Q. 1-7 Please provide a copy of all data request responses prepared by Kroger Company in response to any data request of any party other than APS in this proceeding. Please consider this an ongoing data request throughout this proceeding.

ANSWER: To date, the Kroger Co. has not prepared any such data request responses in this proceeding.

Respectfully submitted,



Michael L. Kurtz, Esq.

Kurt J. Boehm, Esq.

BOEHM, KURTZ & LOWRY

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