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split-off occur prior to the mergers contemplated by the Agreement;

(3) the rate orders issued by the Kansas Corporation Commission constitute a material adverse effect under Section 8.2(f) of the Agreement and, as a result, PNM is not obligated to effect the transaction;

(4) the termination date of the Agreement is December 31, 2001; and

(5) PNM is not required to comply with its obligations under Sections 6.3 and 7.5 of the Agreement which, among other things, require that PNM prepare a proxy statement and submit the transaction to its shareholders for approval.

The Company is evaluating the complaint and the time to file an answer has not run.

Item 7. Financial Statements and Exhibits

(c) Exhibits

Exhibit 99.1 - Press release dated October 12, 2001 issued by Public Service Company of New Mexico

SIGNATURE

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

Western Resources, Inc.

Date October 16, 2001

By /s/ Paul R. Geist

Paul R. Geist, Senior Vice
President and Chief Financial
Officer

EXHIBIT INDEX

| Exhibit Number | Description of Exhibit |
|----------------|--|
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