

GREAT ATLANTIC & PACIFIC TEA CO INC  
Form 8-K  
January 09, 2004

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# SECURITIES AND EXCHANGE COMMISSION

Washington, D.C. 20549

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## FORM 8-K

### Current Report

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

January 9, 2004

Date of Report (Date of earliest event reported)

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# THE GREAT ATLANTIC & PACIFIC TEA COMPANY, INC.

(Exact name of registrant as specified in its charter)

Maryland  
(State or other jurisdiction of  
incorporation or organization)

1-4141  
(Commission file number)

13-1890974  
(I.R.S. Employer  
Identification No.)

Two Paragon Drive

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**Montvale, New Jersey 07645**

**(Address of principal executive offices)**

**(201) 573 9700**

**(Registrant's telephone number, including area code)**

**Not Applicable**

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

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

(c). Exhibits.

Exhibit 99.1 Press Release of The Great Atlantic & Pacific Tea Company, dated January 9, 2004.

**Item 9. Regulation FD Disclosure**

In accordance with SEC Release No. 33-8216, the information contained herein and in the accompanying exhibit is being furnished under Item 12, Results of Operations and Financial Condition. This information shall not be deemed filed for purposes of Section 18 of the Securities Exchange Act of 1934, as amended (the Exchange Act), or incorporated by reference in any filing under the Securities Act of 1933, as amended, or the Exchange Act, except as shall be expressly set forth by specific reference in such a filing.

On January 9, 2004, The Great Atlantic & Pacific Tea Company, Inc. issued a press release announcing its financial results for the quarter ended November 29, 2003. A copy of the press release is attached as Exhibit 99.1 to this Current Report.

To supplement the consolidated financial results as determined in accordance with generally accepted accounting principles ( GAAP ), the press release presents non-GAAP financial measures for ongoing operating earnings, ongoing operating loss and EBITDA. Management believes that the use of such non-GAAP financial measures enables the Company to convey a useful and informative financial picture to investors. The ongoing operating earnings and ongoing operating loss measures reflect what the Company's earnings would have been excluding certain identified major items, which the Company believes are of a non-operating or one-time nature. The non-GAAP measure EBITDA reflects a measure that the Company believes is of interest to investors. As required by the Securities and Exchange Commission, the ongoing operating earnings and ongoing operating loss are reconciled to reported earnings on Schedules 2 and 4 of the release and EBITDA is reconciled to Net Cash provided by Operating Activities on Schedules 4 and 5 of the release.

**SIGNATURES**

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 hereunto duly authorized.

**THE GREAT ATLANTIC & PACIFIC TEA COMPANY, INC.**

By:   /s/ WILLIAM P. COSTANTINI

Name: William P. Costantini  
Title: Senior Vice President,

General Counsel & Secretary

Dated: January 9, 2004

**EXHIBIT INDEX**

<u>Exhibit No.</u>	<u>Description</u>
99.1	Press Release dated January 9, 2004