

**COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION**

<b>KIMBERLY-CLARK CORPORATION</b>	:	
<b>Complainant</b>	:	
<b>v.</b>	:	
	:	<b>Case No. 2023-<u>00063</u></b>
<b>BIG RIVERS ELECTRIC CORPORATION</b>	:	
	:	
<b>KENERGY CORP.</b>	:	
<b>Defendants.</b>	:	

---

**KIMBERLY-CLARK CORPORATION'S  
PETITION FOR CONFIDENTIAL TREATMENT**

---

Kimberly-Clark Corporation (“Kimberly-Clark”) hereby moves the Kentucky Public Service Commission (“Commission”), pursuant to 807 KAR 5:001 Section 13 and KRS 61.878, to grant confidential treatment to certain customer-specific pricing information included in Kimberly-Clark’s Complaint in the above-captioned proceeding as well as in Attachment 2 to that Complaint. The information for which Kimberly-Clark seeks confidential treatment is hereinafter referred to as the “Confidential Information.”

KRS 61.878(1)(c)(1) provides that the following records are exempted from disclosure under the Kentucky Open Records Act:

*[R]ecords confidentially disclosed to an agency or required by an agency to be disclosed to it, generally recognized as confidential or proprietary, which if openly disclosed would permit an unfair commercial advantage to competitors of the entity that disclosed the records.*

The Confidential Information is commercially sensitive pricing information that, if disclosed, would provide an unfair commercial advantage to Kimberly-Clark’s competitors. With the Confidential Information, Kimberly-Clark’s competitors could ascertain both the total amounts paid by Kimberly-Clark for energy as well as Kimberly-Clark’s specific energy usage. Such commercially sensitive pricing information is kept confidential by Kimberly-Clark and not

disseminated to others unless they have a legitimate need to know and act upon the information. Public disclosure of that information would therefore be contrary to the requirements of KRS 61.878(1)(c)(1).

Additionally, KRS 61.878(1)(a) exempts from disclosure “[p]ublic records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.” The customer-specific pricing information designated as Confidential Information is personal information the public disclosure of which would result in an unwarranted invasion of privacy.

WHEREFORE, based on the foregoing, Kimberly-Clark respectfully requests that the Commission grant its Petition for Confidential Treatment and protect the Confidential Information for at least five years from the date of this filing.

Respectfully submitted,

/s/ Kurt J. Boehm

Kurt J. Boehm, Esq.

Jody Kyler Cohn, Esq.

BOEHM, KURTZ & LOWRY

36 East Seventh Street, Suite 1510

Cincinnati, Ohio 45202

Ph: 513.421.2255; Fax: 513.421.2764

[kboehm@bkllawfirm.com](mailto:kboehm@bkllawfirm.com)

[jkylercohn@bkllawfirm.com](mailto:jkylercohn@bkllawfirm.com)

**COUNSEL FOR KIMBERLY-CLARK  
CORPORATION**

February 20, 2023