

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

In the Matter of:

**THE ELECTRONIC FILING OF BIG RIVERS
ELECTRIC CORPORATION AND KENERGY
CORP. TO REVISE THE LARGE INDUSTRIAL
CUSTOMER STANDBY SERVICE TARIFF.**

CASE NO. 2023-00312

**KIMBERLY-CLARK CORPORATION'S EMERGENCY MOTION TO
EXCUSE PERSONAL ATTENDANCE OF KIMBERLY-CLARK LAY WITNESS**

Kimberly-Clark Corporation ("Kimberly-Clark") hereby moves the Kentucky Public Service Commission ("Commission") to excuse the attendance of Kimberly-Clark company witness Steven Cassady at the May 1, 2024 hearing or, alternatively, at the conclusion of the other testimony, to grant a brief continuance until a date at which Mr. Cassady is available to testify remotely should the Commission or its staff determined that it needs to cross-examine Mr. Cassady with regard to his direct testimony and/or his surrebuttal testimony. As another alternative, Kimberly-Clark would welcome post-hearing information requests directed at Mr. Cassady if the Commission deems it necessary to seek information from Mr. Cassady.

The Commission originally set a hearing on April 2, 2024, and Kimberly-Clark was prepared to attend with all of its witnesses, including Mr. Cassady. At that point, Mr. Cassady had sponsored direct testimony in this case. Citing many conflicts, Big Rivers Electric Corporation (BREC") and Kenergy Corp. ("Kenergy") filed a March 13, 2024 emergency motion to continue the hearing date. Subsequently, the parties conferred on potential dates for a continued hearing. As an accommodation to BREC and Kenergy, Kimberly-Clark agreed to a hearing on May 1, 2024, even though Mr. Cassady could not personally appear on account of a pre-existing family commitment. In return, BREC and Kenergy indicated that they would waive their right to cross-

examine Mr. Cassady regarding his direct and anticipated sur-rebuttal testimony. Mr. Cassady submitted both his direct and sur-rebuttal testimony as a lay witness.

On March 13, 2024, BREC and Kenergy filed an Amended & Unopposed Motion to Reschedule Hearing for May 1, 2024. The motion explained that Mr. Cassady would not be in attendance and noted that “If the Commission schedules the hearing for these dates, Kimberly-Clark respectfully request the Commission’s order excuse Mr. Cassady from attending the hearing.” The Commission granted this motion on March 18, 2024, the same day that Mr. Cassady sponsored sur-rebuttal testimony that had been specifically allowed by the Commission.

However, while the Commission’s March 18, 2024 Order indicates that “BREC’s motion to reschedule the hearing is granted,” the order did not address the request that Mr. Cassady be excused from attendance. In the course of preparing its witness list for the hearing, Kimberly-Clark noted this issue and, out of an abundance of caution, raises it now for an emergency order from the Commission.

Specifically, Kimberly-Clark requests that Mr. Cassady’s personal attendance at the May 1, 2024 hearing be excused in order to effectuate the accommodations made by the parties in order to find an available hearing date. Given the proximity of the hearing, Kimberly-Clark requests an emergency order from the Commission to this effect.

Alternatively, should the Commission determine that it needs to cross-examine Mr. Cassady, Kimberly-Clark requests that, at the close of the testimony at the May 1, 2024 hearing, that a brief continuance be entered in order to arrange for the Commission’s remote cross-examination of Mr. Cassady on a mutually-available date.

Dated April 23, 2024.

Respectfully Submitted,

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Counsel for Kimberly-Clark Corporation

Certification

I hereby certify that a copy of this Motion has been served electronically on all parties of record through the use of the Commission's electronic filing system, and there are currently no parties that the Commission has excused from participation by electronic means. Pursuant to the Commission's July 22, 2021 Order in Case No. 2020-00085, a paper copy of this filing has not been transmitted to the Commission.

/s/ Daniel E. Danford
Counsel for Kimberly-Clark Corporation

COMMONWEALTH OF KENTUCKY
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CASE NO. 2023-00312

[PROPOSED] ORDER

Kimberly-Clark Corporation having filed an emergency motion to excuse the attendance of Kimberly-Clark lay witness Steven Cassady at the May 1, 2024 hearing or, alternatively, at the conclusion of the other testimony to grant a brief continuance until a date at which Mr. Cassady is available to testify remotely should the Commission or its staff determined that it needs to cross-examine Mr. Cassady with regard to his direct testimony and/or his sur-rebuttal testimony, IT IS HEREBY ORDERED that Kimberly-Clark’s emergency motion is GRANTED, and the personal testimony of Steven Cassady is excused from the May 1, 2024 hearing.

By the Commission