

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC TARIFF FILING OF BIG RIVERS)	
ELECTRIC CORPORATION AND KENERGY)	CASE NO.
CORP. TO REVISE THE LARGE INDUSTRIAL)	2023-00312
CUSTOMER STANDBY SERVICE TARIFF)	

ORDER

On May 17, 2024, Kimberly-Clark Corporation (Kimberly-Clark) filed a motion, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878, requesting that the Commission grant confidential treatment for five years for certain information within its response to Commission Staff's Post-Hearing Request for Information (Staff's Post-Hearing Request).

In support of its motion, Kimberly-Clark argued that pursuant to KRS 61.878(1)(c)(1), the requested records are exempted from disclosure under the Kentucky Open Records Act, which states, "[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."¹ Kimberly-Clark also argued that it operates in a competitive marketplace, and information relating to its operating costs is not publicly available and is protected internally by Kimberly-Clark as proprietary information.²

¹ KRS 61.878(1)(c)(1).

² Kimberly-Clark's Motion for Confidential Treatment (filed May 17, 2024) at 3.

Having considered the motion and the material at issue, the Commission finds that Kimberly-Clark's response to Staff's Post-Hearing Request which provides information concerning the detailed inner workings of a company is generally recognized as confidential or proprietary; it therefore meets the criteria for confidential treatment and should be exempted from public disclosure pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1)(c)(1).

IT IS THEREFORE ORDERED that:

1. Kimberly-Clark's May 17, 2024 motion for confidential treatment is granted.
2. The designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for five years or until further order of this Commission.
3. Use of the designated material granted confidential treatment by this Order in any Commission proceeding shall comply with 807 KAR 5:001, Section 13(9).
4. If the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment, Kimberly-Clark shall inform the Commission and file with the Commission an unredacted copy of the designated material.
5. If a nonparty to this proceeding requests to inspect the material granted confidential treatment by this Order and the period during which the material has been granted confidential treatment has not expired, Kimberly-Clark shall have 30 days from receipt of written notice of the request to demonstrate that the material still falls within the exclusions from disclosure requirements established in KRS 61.878. If Kimberly-Clark is

unable to make such demonstration, the requested material shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

6. The Commission shall not make the requested material available for inspection for 30 days from the date of service of an Order finding that the material no longer qualifies for confidential treatment in order to allow Kimberly-Clark to seek a remedy afforded by law.

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PUBLIC SERVICE COMMISSION

Angie Hubbs
Chair

Vice Chairman

Man Pat Ryan
Commissioner

*MPR
signing
for chair
w/ permission*

ATTEST:

[Signature] *For*
Executive Director

ENTERED
AUG 19 2024
KENTUCKY PUBLIC SERVICE COMMISSION ^{rCS}

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