

KIRBY CORP
Form 8-K
January 29, 2009

UNITED STATES SECURITIES AND EXCHANGE COMMISSION
Washington, D.C. 20549
Form 8-K

CURRENT REPORT

PURSUANT TO SECTION 13 OR 15(d) OF THE
SECURITIES EXCHANGE ACT OF 1934

Date of report (Date of earliest event reported): January 28, 2009

Kirby Corporation
(Exact name of registrant as specified in its charter)

| | | |
|---|------------------------------------|--|
| Nevada (State or other jurisdiction of incorporation or organization) | 1-7615 (Commission File Number) | 74-1884980 (I.R.S. Employer Identification No.) |
| 55 Waugh Drive, Suite 1000 Houston, Texas (Address of principal executive offices) | | 77007 (Zip Code) |

Registrant's telephone number, including area code:
(713) 435-1000

Check the appropriate box below if the Form 8-K filing is intended to simultaneously satisfy the filing obligation of the registrant under any of the following provisions:

- Written communications pursuant to Rule 425 under the Securities Act (17 CFR 230.425)
 - Soliciting material pursuant to Rule 14a-12 under the Exchange Act (17 CFR 240.14a-12)
 - Pre-commencement communications pursuant to Rule 14d-2(b) under the Exchange Act (17 CFR 240.14d-2(b))
 - Pre-commencement communications pursuant to Rule 13e-4(c) under the Exchange Act (17 CFR 240.13e-4(c))
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Item 2.02.

Results of Operations and Financial Condition

On January 28, 2009 Kirby Corporation (“Kirby”) issued a press release announcing earnings for the three months and year ended December 31, 2008. A copy of the press release is attached as Exhibit 99.1 to this report.

EBITDA, a non-GAAP financial measure, is used in the press release. Kirby defines EBITDA as net earnings before interest expense, taxes on income, depreciation and amortization. Kirby has historically evaluated its operating performance using numerous measures, one of which is EBITDA. EBITDA is presented because of its wide acceptance as a financial indicator. EBITDA is one of the performance measures used in Kirby’s incentive bonus plan. EBITDA is also used by rating agencies in determining Kirby’s credit rating and by analysts publishing research reports on Kirby, as well as by investors and investment bankers generally in valuing companies. A quantitative reconciliation of EBITDA to GAAP net earnings for the 2008 and 2007 fourth quarters and years is included in the press release.

Item 9.01.

Financial Statements and Exhibits

| | | |
|------|-----|--------------------------------------|
| | (c) | Exhibits: |
| 99.1 | | Press release dated January 28, 2009 |

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 thereunto duly authorized.

KIRBY CORPORATION
(Registrant)

By: /s/ Norman W. Nolen
Norman W. Nolen
Executive Vice President, Treasurer
and Chief Financial Officer

Dated: January 29, 2009

EXHIBIT INDEX

Exhibit 99.1 Press release dated January 28, 2009
