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May 9, 2008

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08 MAY 12 AM 9:40
COMMISSION
CLERK

-VIA OVERNIGHT DELIVERY -

Ms. Ann Cole, Director
Division of the Commission Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Re: Docket No. 080001-EI

Dear Ms. Cole:

The enclosed Exhibit D is the original affidavit of Mr. Gerard J. Yupp. A copy of the affidavit was filed with the Request for Confidential Classification of Staff's April 4, 2008 Data Requests (Nos.1 and 2). The enclosed affidavit supersedes the copy filed on May 8, 2008.

If there are any questions, please contact me at 561-304-5226

Sincerely,


Jessica Cano

Enclosure

cc: Counsel for Parties of Record (w/out encl.)

DOCUMENT NUMBER-DATE

03904 MAY 12 08

FPSC-COMMISSION CLERK

EXHIBIT D

**BEFORE THE FLORIDA
PUBLIC SERVICE COMMISSION**

In re: Fuel and Purchased Power) Docket No: 080001-EI
Cost Recovery Clause With)
Generating Performance Incentive)
Factor)

STATE OF FLORIDA)
) AFFIDAVIT OF GERARD J. YUPP
COUNTY OF PALM BEACH)


BEFORE ME, the undersigned authority, personally appeared Gerard J. Yupp, who, being first duly sworn deposes and says:

1. My name is Gerard J. Yupp. I am currently employed by Florida Power & Light Company ("FPL") as Senior Director Wholesale Operations in the Energy Marketing and Trading Division. I have personal knowledge of the matters stated in this affidavit.

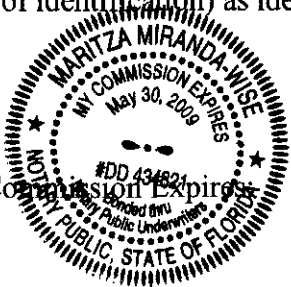
2. I have reviewed the documents and information included in Exhibit A to FPL's Request for Confidential Classification. The documents and materials in Exhibit A which are asserted by FPL to be proprietary confidential business information are comprised of trade secrets of FPL, which allow FPL to purchase and sell fuel on favorable terms for FPL and its customers. The disclosure of this trade secret information would provide other participants in the fuel and electric power markets insight into FPL's marketing and trading decisions and/or impair FPL's ability to negotiate, to the detriment of FPL and its customers. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials

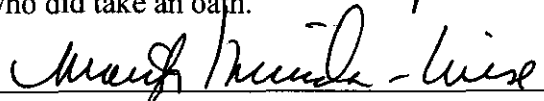
3. Consistent with the provisions of the Florida Administrative Code, such materials should remain confidential for a period of not less than 18 months. In addition, they should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business so that FPL can continue to maintain the confidentiality of these documents.

4. Affiant says nothing further.


Gerard J. Yupp

SWORN TO AND SUBSCRIBED before me this 6th day of May, 2008, by Gerard Yupp, who is personally known to me or who has produced personally (type of identification) as identification and who did take an oath.




Notary Public, State of Florida

DOCUMENT NO. DATE
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