

# **EXHIBIT D**

# **AFFIDAVIT**

DOCUMENT NUMBER-DATE

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**EXHIBIT D**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

Fuel and Purchased Power Cost Recovery  
Clause with Generating Performance  
Incentive Factor

Docket No. 120001-EI  
Dated: October 12, 2012

STATE OF FLORIDA )  
 )  
PALM BEACH COUNTY )

**AFFIDAVIT OF GERARD J. YUPP**

**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 of Wholesale Operations in the Energy Marketing and Trading Division. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed Exhibit C, and the documents that are included in Exhibit A to FPL's Request for Confidential Classification of Materials Provided Pursuant to Audit No. 12-130-4-1. The documents or materials that I have reviewed, and which are asserted by FPL to be proprietary confidential business information, contain or constitute data pertinent to FPL's procurement activities and hedging program. The documents contain or constitute trade secrets of FPL, which allow FPL to hedge its fuel purchases on favorable terms for FPL and its customers. The disclosure of this trade secret information would provide other market participants insight into FPL's marketing and trading practices, as well as internal policy and procedure that would allow them, to anticipate FPL's marketing and trading decision, and/or impair FPL's ability to negotiate, to the detriment of FPL and its customers.

3. The documents or materials also contain or constitute information regarding physical and financial details related to FPL's annual hedging program for natural gas and fuel oil. The information contains monthly realized values for FPL's hedge positions and resulting impact on the cost of natural gas and fuel oil. The disclosure of this information would impair the efforts of FPL to contract for goods and services on favorable terms for the benefit of its customers, and would impair the competitive interests of FPL and its vendors. Disclosure of certain of the information would also place FPL at a competitive disadvantage when coupled with other information that is publicly available.

4. The documents or materials also contain the names of financial counterparties with which FPL executes heavy fuel oil hedging transactions. Due to the extremely limited population of potential counterparties that participate in this market, the disclosure of this data would harm the competitive business of FPL and impair the efforts of the company to contract for hedging instruments on favorable terms. Specifically, the disclosure of the names of certain financial counterparties would reveal transaction frequency and volume between FPL and those financial counterparties. This would harm FPL's efforts to contract with those financial counterparties on favorable terms in the future, to the detriment of FPL and its customers.

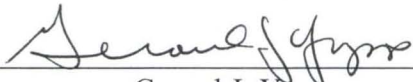
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5. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

6. 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.

7. Affiant says nothing further.

  
\_\_\_\_\_  
Gerard J. Yupp

**SWORN TO AND SUBSCRIBED** before me this 10th day of October 2012, by Gerard J. Yupp, who is personally known to me or who has produced \_\_\_\_\_ (type of identification) as identification and who did take an oath.

  
\_\_\_\_\_  
Notary Public, State of Florida

My Commission Expires:

