

ORIGINAL

SQUIRE SANDERS

LEGAL COUNSEL WORLDWIDE

05 NOV 23 AM 10:08

Squire, Sanders & Dempsey, L.L.P. including Steel Hector & Davis LLP 200 South Biscayne Boulevard Suite 4000 Miami, FL 33131-2398 305.577.7000 305.577.7001 Fax www.steelhector.com

John T. Butler 305.577.2939 jtbutler@ssd.com

November 22, 2005

-VIA OVERNIGHT DELIVERY-

Blanca S. Bayó Director, Commission Clerk and Administrative Services Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850

Re: Docket No. 050001-EI

Dear Ms. Bayó:

When this firm filed Florida Power & Light Company's Request for Confidential Classification of Yupp Late Filed Deposition Exhibits 1 and 2 in the above docket, the affidavit of Gerard Yupp that was attached as Appendix D was a facsimile of the original. I am enclosing herewith for your records the original of Mr. Yupp's affidavit.

If there are any questions regarding this transmittal, please contact me at 305-577-2939.

Sincerely,

Handwritten signature: Karl M. Butler for JTB

John T. Butler

- CMP \_\_\_\_\_
COM \_\_\_\_\_
CTR \_\_\_\_\_
ECR \_\_\_\_\_
GCL \_\_\_\_\_
OPC \_\_\_\_\_
RCA \_\_\_\_\_ Enclosure
SCR \_\_\_\_\_
SGA \_\_\_\_\_
SEC 1
OTH \_\_\_\_\_

DOCUMENT NUMBER-DA 11232 NOV 23 08 FPSC-COMMISSION CLERK

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power ) DOCKET NO. 050001-EI
Cost Recovery Clause with Generating )
Performance Incentive Factor ) DATED: November 21, 2005

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

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

1. My name is Gerard Yupp. I am currently employed by Florida Power & Light Company ("FPL") as 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 Yupp Deposition Late File Exhibits 1 & 2. The documents that I have reviewed which FPL identifies as confidential in Exhibit C are proprietary confidential business information. Disclosure of this information would impair the competitive interests of FPL, as well as FPL's ability to contract on favorable terms. To the best of my knowledge, FPL has maintained the confidentiality of these documents.

3. Consistent with the provisions of the Florida Administrative Code, such documents should remain confidential for a period of at least eighteen (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.

Handwritten signature of Gerard J. Yupp
Gerard J. Yupp

SWORN TO AND SUBSCRIBED before me this 21st day of November 2005, by Gerard Yupp, who is personally known to me or who has produced personally known (type of identification) as identification and who did take an oath.

Handwritten signature of Marie B. Lopez
Notary Public, State of Florida

My Commission Expires: 7/17/08

