



ORIGINAL

John T. Butler
Senior Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420
(561) 304-5639
(561) 691-7135 (Facsimile)
E-mail: john_butler@fpl.com

May 30, 2007

-VIA HAND DELIVERY -

Ms. Ann Cole
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

RECEIVED
COMMISSION CLERK
07 MAY 30 PM 3:28

Re: Docket No. 070001-EI

Dear Ms. Cole:

I am enclosing for filing in the above docket the original and seven (7) copies of Florida Power & Light Company's Request for Confidential Classification of Information Provided Pursuant to Audit No. 07-022-4-3, together with a diskette containing the electronic version of same. The enclosed diskette is HD density, the operating system is Windows XP, and the word processing software is Word 2003. Pursuant to Rule 25-22.006, F.A.C., I am also enclosing one highlighted and two redacted copies of the confidential documents that are the subject of this request.

- CMP
- COM
- CTR 5639.
- ECR
- GCL
- OPC
- RCA
- SCR
- SGA
- SEC
- OTH *leaf records*

If there are any questions regarding this transmittal, please contact me at 561-304-5639.

Sincerely,

John T. Butler

Enclosure

cc: Counsel for parties of record (w/encl.)

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

04414 MAY 30 07

FPSC-COMMISSION CLERK

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power)
Cost Recovery Clause and Generating)
Performance Incentive Factor)
_____)

DOCKET NO. 070001-EI

FILED: May 30, 2007

**REQUEST FOR CONFIDENTIAL CLASSIFICATION OF INFORMATION
PROVIDED PURSUANT TO AUDIT NO. 07-022-4-3**

Pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, Florida Power & Light Company ("FPL") requests confidential classification of certain information provided to the Florida Public Service Commission ("FPSC" or "Commission") staff ("Staff") in connection with its audit of FPL's Capacity Cost Recovery Clause true-up schedules (Audit Control No. 07-022-4-3; hereinafter the "CCR Audit") in this docket. In support of its Request, FPL states as follows:

1. During the CCR Audit, Staff requested access to various FPL reports and other documents, portions of which became working papers of the auditors. By letter dated May 9, 2007, Staff indicated its intent to retain certain working papers for which confidential treatment previously had been requested (the "Working Papers"). Pursuant to Rule 25-22.006(3)(a), FPL was given 21 days from the date of that letter, or until May 30, 2007, to file a formal request for confidential classification with respect to the Working Papers. This Request is intended to request confidential classification of the confidential portions of the Working Papers consistent with Rule 25-22.006(3)(a).

2. The following exhibits are included with and made a part of this request:

a. Composite Exhibit A consists of copies of the Working Papers, on which all information that FPL asserts is entitled to confidential treatment has been highlighted. Composite Exhibit A is submitted separately in a sealed folder marked "CONFIDENTIAL."

b. Composite Exhibit B consists of an edited version of Exhibit A on which all information FPL asserts is entitled to confidential treatment has been redacted.

c. Exhibit C is a table containing a line-by-line and page-by-page identification of the information for which confidential classification is sought, and, with regard to each document or portions thereof, references to the specific statutory basis or bases for the claim of confidentiality and to the affidavits in support of the requested classification.

d. Exhibit D is comprised of the affidavits of Korel M. Dubin, Walter E. Gwinn, Osvaldo J. Lom, Robert Onsgard and Gerard J. Yupp.

3. FPL seeks confidential protection for the information highlighted in Exhibit A. The highlighted information is proprietary confidential business information within the meaning of Section 366.093(3). The information is intended to be, and has been, treated by FPL as confidential.

4. Pursuant to Section 366.093, the information highlighted in Exhibit A is entitled to confidential treatment and is exempt from the disclosure provisions of the public records law. Thus, once the Commission determines that the information in question is proprietary confidential business information, the Commission is not required to engage in any further analysis or review, such as weighing the harm of disclosure against the public interest in access to the information.

5. The statutory bases for FPL's assertion of confidentiality with regard to each document or portion thereof are set forth in Exhibit C under the column titled "FLORIDA


STATUTE 366.093(3).” The letters in that column refer to the subsection(s) of Section 366.093(3) that provide justification for FPL’s request. Further support for FPL’s request for confidential classification of the referenced information is provided through the affidavits that are included as Exhibit D to this Request.

6. Upon a finding by the Commission that the information highlighted in Exhibit A, and referenced in Exhibit C, is proprietary confidential business information, the information should not be declassified for a period of at least eighteen (18) months and should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business. *See* § 366.093(4).

WHEREFORE, for the foregoing reasons, Florida Power & Light Company respectfully requests that this Request be granted.

Respectfully submitted,

R. Wade Litchfield, Esq.
Associate General Counsel
John T. Butler, Esq.
Senior Attorney
Law Department
Florida Power & Light Company
700 Universe Blvd.
Juno Beach, Florida 33408-0420
Telephone: 561-5639
Fax: 561-691-7135

By: 

John T. Butler
Fla. Bar No. 283479

CERTIFICATE OF SERVICE
Docket No. 070001-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing Request for Confidential Classification of Information Provided Pursuant to Audit No. 07-0222-4-3 (*) has been furnished by hand delivery (**) or U.S. Mail on this 30th day of May 2007, to the following:

Lisa Bennett, Esq. *
Division of Legal Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Charles J. Beck, Esq.
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, Florida 32399

Lee L. Willis, Esq.
James D. Beasley, Esq.
Ausley & McMullen
Attorneys for Tampa Electric
P.O. Box 391
Tallahassee, Florida 32302

John T. Burnett, Esq.
Progress Energy Service
Company, LLC
P.O. Box 14042
St. Petersburg, Florida 33733-4042

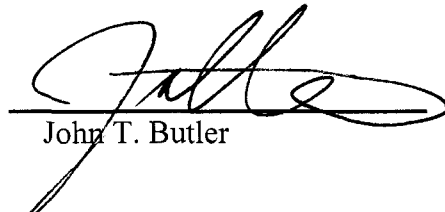
John W. McWhirter, Jr., Esq.
McWhirter Reeves
Attorneys for FIPUG
400 North Tampa Street, Suite 2450
117 South Gadsden Street
Tampa, Florida 33602

Norman H. Horton, Jr., Esq.
Floyd R. Self, Esq.
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P.O. Box 1876
Tallahassee, Florida 32302-1876

Jeffrey A. Stone, Esq.
Russell A. Badders, Esq.
Beggs & Lane
Attorneys for Gulf Power
P.O. Box 12950
Pensacola, Florida 32576-2950

Michael B. Twomey, Esq.
Attorney for AARP
Post Office Box 5256
Tallahassee, Florida 32314-5256

James W. Brew, Esq.
Brickfield, Burchette, Ritts & Stone, P.C
Attorneys for PCS Phosphate
1025 Thomas Jefferson Street, NW,
Eighth Floor, West Tower
Washington, DC 20007-5201

By: 
John T. Butler

* Due to their volume, the exhibits to this Request are not included with the service copies, but copies of Exhibits B, C and D are available upon request.

Exhibit A

CONFIDENTIAL DOCUMENTS

(SUBMITTED SEPARATELY)

Exhibit C

Justification Table

EXHIBIT C

COMPANY: Florida Power & Light Company
TITLE: List of Confidential Work Papers
AUDIT: FPL, Capacity Clause Audit from Jan. 1 – Dec. 31, 2006
AUDIT CONTROL NO: 07-022-4-3
DOCKET NO. 070001- EI

Work paper No.	Description	No. of Pages	Conf. Y/N	Line No./Col. No.	Florida Statute 366.093(3) Subsection	Affiant
1 p.4	Audit Finding	1	N			
1 p.8	Audit Finding	1	N			
9	Internal Audits	2	Y	Col. B	(b)	R. Onsgard
41-3	Revenues	13	Y Y	Pgs. 1-10, Col. A Pgs. 11-13, Col. 1	(e)	K. Dubin
41-4	Revenues	12	Y N Y N Y N	Pg. 1, line 1, Cols. A-E Pg. 2 Pgs. 3-8, line 1, Cols. A-F Pg. 9 Pg. 10 & 11, line 1, Cols. A-F Pg. 12	(e)	K. Dubin
42-1	Unit Power Sales	2	N			
42-1/1	Unit Power Sales	1	N			
42-1/1-1	Unit Power Sales	4	N			
42-1/2	Unit Power Sales	1	N			
42-1/3	Unit Power Sales	1	N			
42-1/4	Unit Power Sales	2	N			
42-1/4-1	Unit Power Sales	2	N			
42-1/4-2	Unit Power Sales	3	N			
43-1	Qualifying Facilities	2	N			
43-1/1	Qualifying Facilities	3	N N Y	Pg. 1 Pg. 2 Pg. 3, All	(e)	O. Lom
43-1/2	Qualifying Facilities	3	N N Y	Pg. 1 Pg. 2 Pg. 3, All	(e)	O. Lom
43-1/3	Qualifying Facilities	3	N N Y	Pg. 1 Pg. 2 Pg. 3, All	(e)	O. Lom
43-1/4	Qualifying Facilities	3	N N Y	Pg. 1 Pg. 2 Pg. 3, All	(e)	O. Lom
43-1/5	Qualifying Facilities	3	N N Y	Pg. 1 Pg. 2 Pg. 3, All	(e)	O. Lom
43-2	Qualifying Facilities	1	N			
44	St. John River Plant	2	N			
44-1	St. John River Plant	1	N			

Work paper No.	Description	No. of Pages	Conf. Y/N	Line No./Col. No.	Florida Statute 366.093(3) Subsection	Affiant
44-1/1	St. John River Plant	1	N			
44-1/1-1	St. John River Plant	2	Y	All	(e)	O. Lom
44-1/1-2	St. John River Plant	1	N			
44-1/1-3	St. John River Plant	1	N			
44-1/1-4	St. John River Plant	4	Y	All	(e)	O. Lom
44-1/2	St. John River Plant	1	N			
44-1/2-1	St. John River Plant	2	Y Y	Pg. 1, All Pg. 2, Lines 13-15	(e)	O. Lom
44-1/2-1/1	St. John River Plant	1	N			
44-1/2-1/2	St. John River Plant	1	Y	All	(e)	O. Lom
44-1/2-1/3	St. John River Plant	1	Y	All	(e)	O. Lom
44-1/2-2	St. John River Plant	1	Y	All	(e)	O. Lom
44-1/3	St. John River Plant	2	Y	All	(e)	O. Lom
44-1/3-1	St. John River Plant	1	Y	All	(e)	O. Lom
44-1/3-2	St. John River Plant	1	Y	All	(e)	O. Lom
44-1/3-3	St. John River Plant	1	N			
44-1/3-3/1	St. John River Plant	2	N			
44-1/3-4	St. John River Plant	1	N			
44-1/3-4/1	St. John River Plant	2	N			
44-1/4	St. John River Plant	2	Y N	Pg. 1, All Pg. 2	(e)	O. Lom
44-1/4-1	St. John River Plant	1	N			
44-1/5	St. John River Plant	1	N			
44-1/5-1	St. John River Plant	1	Y	All	(e)	O. Lom
44-1/5-2	St. John River Plant	2	Y N	Pg. 1, Line 9 Pg. 2	(e)	O. Lom
44-1/6	St. John River Plant	1	Y	Pg. 1, Lines 11, 14, 18, 20, 21, 25 & 26	(e)	O. Lom
44-1/7	St. John River Plant	1	N			
45-1	S-T Capacity Purchases	1	N			
45-2	S-T Capacity Purchases	1	Y	Lines 1-6	(d)	G. Yupp
45-2/1	S-T Capacity Purchases	1	Y	Lines 14-16, 21, 28-30	(d)	G. Yupp
45-2/1-1	S-T Capacity Purchases	1	Y	Lines 1, 2-15	(d)	G. Yupp
45-2/1-2	S-T Capacity Purchases	2	Y	Pgs. 1 & 2, Cols. A, C & D	(d)	G. Yupp
45-2/2	S-T Capacity Purchases	2	Y Y	Pg. 1, Lines 1, 3-5, 8, 10-14 & 17 Pg. 2, Lines 1, 2-28	(d)	G. Yupp
45-2/2-1	S-T Capacity Purchases	2	Y	Pgs. 1 & 2, Cols. A, C & D	(d)	G. Yupp
45-2/3	S-T Capacity Purchases	2	Y Y	Pg. 1, Cols. A & B Pg. 2, Lines 1, 2-20	(d)	G. Yupp

Work paper No.	Description	No. of Pages	Conf. Y/N	Line No./Col. No.	Florida Statute 366.093(3) Subsection	Affiant
45-2/3-1	S-T Capacity Purchases	1	Y	Pg. 1, Cols. A, C & D	(d)	G. Yupp
45-2/4	S-T Capacity Purchases	3	Y Y Y	Pg. 1, Cols. A, C & D Pg. 2, Col. A Pg. 3, Lines 1, 2-30	(d)	G. Yupp
45-2/5	S-T Capacity Purchases	3	Y Y Y	Pg. 1, Cols. A, B Pg. 2, Cols. A, C & D Pg. 3, Lines 1, 2-29	(d)	G. Yupp
45-2/6	S-T Capacity Purchases	3	Y Y Y	Pg. 1, Cols. A & B Pg. 2, Cols. A, C & D Pg. 3, Lines 1, 2-29	(d)	G. Yupp
47-1/1	Suspension Accrual	1	Y	All	(e)	O. Lom
48-1	Transmission Services	1	N			
48-1/1	Transmission Services	2	Y Y	Pg. 1, Col. A Pg. 2, Cols. A & B	(d)	G. Yupp
48-1/1-1	Transmission Services	2	Y Y	Pg. 1, Col. A Pg. 2, Col. A	(d)	G. Yupp
48-1/1-2	Transmission Services	1	N			
48-1/1-3	Transmission Services	1	N			
49-1	Transmission of Electric	1	N			
49-1/1	Transmission of Electric	1	Y	Pg. 1, Col. A	(d)	G. Yupp
49-1/1-1	Transmission of Electric	1	Y	Pg. 1, Cols. A, B & F	(d)	G. Yupp
49-1/1-1/1	Transmission of Electric	1	Y	Pg. 1, Cols. A, C & D	(d)	G. Yupp
49-1/1-1/2	Transmission of Electric	3	Y Y Y	Pg. 1, Line 17 Pg. 2, Col. A Pg. 3, Lines 1, 2-29	(d)	G. Yupp
49-1/1-2	Transmission of Electric	8	N Y Y	Pg. 1 Pgs. 2-7, Cols. A & B Pg. 8, Lines. 1, 2-26	(d)	G. Yupp
49-1/1-3	Transmission of Electric	1	Y	Pg. 1, Cols. A, B & F	(d)	G. Yupp
49-1/1-4	Transmission of Electric	3	Y Y Y	Pg. 1, Cols. A & B Pg. 2, Cols. A, C & D Pg. 3, Lines 1, 2-30	(d)	G. Yupp
52-2	Steam Sample	2	N			
52-3	Nuclear Sample	2	Y N	Pg.1, Col. 9, lines 1-4, 19-22, 29,30,33,34 Pg. 2	(c)	W. Gwinn
52-4	Nuclear Sample	2	Y Y	Pg.1, Col. 7, lines 13-14,17-18, 20 & 22 Pg. 2, Col. 7, Lines 49-54 &	(c) (d)	W. Gwinn

Work paper No.	Description	No. of Pages	Conf. Y/N	Line No./Col. No.	Florida Statute 366.093(3) Subsection	Affiant
				56		
52-4/5	Nuclear Sample	11	N Y N Y N Y	Pgs. 1-6 Pg. 7 lines 9-11, 23 Pg. 8 Pg. 9 lines 13-29 Pg. 10 Pg. 11 lines 3-5	(d)	W. Gwinn
52-5	Nuclear Sample	2	N			
52-6	Nuclear Sample	6	N Y N	Pg. 1 Pg. 2, line 52-54, 80 Pg. 3, line 87, 91, 96-100, 105 & 109 Pg. 4, lines 114-115, 120, 132-135, 145-146 Pgs. 5-6	(c) (d)	W. Gwinn
52-6/2	PO	6	Y	Pg. 4 lines 23-30, 32 Page 5 lines 4-7 Page 6 line 33	(d)	W. Gwinn
52-6/3	PO	6	Y	Pg. 2 line 29 Pg. 3 lines 24, 35, 44, 46, 48 Pg. 4 lines 5, 7, 9, 18, 20, 25, 27, 35, 44, 47, 50 Pg. 5 lines 12, 26, 32, 35, 41, 43 Pg. 6 lines 5, 8, 9, 15, 20, 23, 24, 30, 35, 36, 38	(c) (d)	W. Gwinn
52-6/6	Nuclear Sample	2	N			
52-7	Contract	13	N Y Y Y Y Y	Pg. 1 Pg. 2-8 All Pg. 9 lines 18-34 Pg. 10 lines 1-10 Pg. 11 lines 4-7 Pgs. 12-13 All	(d)	W. Gwinn
52-7/1	PO	4	N Y N	Pg. 1 Pg. 2 lines 24-29, 31 Pgs. 3 & 4	(d)	W. Gwinn

Exhibit D

AFFIDAVITS

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Fuel and Purchase Power Cost Recovery)
Clause with Generating Performance) DOCKET NO. 070001-EI
Incentive Factor)
) FILED: May 30, 2007
)

STATE OF FLORIDA)
) AFFIDAVIT OF KOREL M. DUBIN
MIAMI-DADE COUNTY)

BEFORE ME, the undersigned authority, personally appeared Korel M. Dubin who, being first duly sworn, deposes and says:

1. My name is Korel M. Dubin. I am currently employed by Florida Power & Light Company ("FPL") as Manager of Cost Recovery Clauses in the Regulatory Affairs Department. I have personal knowledge of the matters stated in this affidavit.

2. With respect to Exhibit C, I have reviewed the documents that are included in Exhibit A to FPL's Request for Confidential Classification of Information Obtained in Connection with Audit No. 07-022-4-3. The documents or materials that I have reviewed and which are asserted by FPL to be proprietary confidential business information contain or constitute customer-specific account information, including banking account numbers. It is FPL's corporate policy not to disclose customer-specific information. This policy includes, but is not limited to: customer names, addresses, telephone numbers, account numbers, rates, billing determinants (kW and kWh usage), conservation savings in kW, kWh and bills. FPL treats such information as confidential and does not disclose it, except as required by law, to entities or persons other than the customer absent the customer's consent. 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.

Korel M. Dubin
Korel M. Dubin

SWORN TO AND SUBSCRIBED before me this 23rd day of May 2007, by Korel M. Dubin, who is personally known to me or who has produced (type of identification) as identification and who did take an oath.

Debra Ann Dominguez
Notary Public, State of Florida

My Commission Expires: April 20, 2008

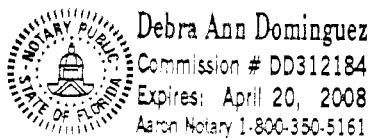


EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Fuel and Purchase Power Cost Recovery)
Clause with Generating Performance) DOCKET NO. 070001-EI
Incentive Factor)
FILED: May 30, 2007

STATE OF FLORIDA)
AFFIDAVIT OF WALTER E. GWINN
PALM BEACH COUNTY)

BEFORE ME, the undersigned authority, personally appeared Walter E. Gwinn who, being first duly sworn, deposes and says:

1. My name is Walter E. Gwinn. I am currently employed by Florida Power & Light Company ("FPL") as Manager of Financial Performance in the Nuclear Business Unit. I have personal knowledge of the matters stated in this affidavit.

2. With respect to Exhibit C, I have reviewed the documents that are included in Exhibit A to FPL's Request for Confidential Classification of Information Obtained in Connection with Audit No. 07-022-4-3. The document and materials that I have reviewed and which are asserted by FPL to be proprietary confidential business information include data related to security measures and negotiated agreements for the protection of FPL facilities. This information, if made public, would disclose certain of FPL's security measures, systems, or procedures to the detriment of FPL and its customers, and would impair FPL's efforts to enter into contracts with security contractors on commercially favorable terms. 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.

Handwritten signature of Walter E. Gwinn
Walter E. Gwinn

SWORN TO AND SUBSCRIBED before me this 23rd day of May 2007, by Walter E. Gwinn, 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 Notary Public
Notary Public, State of Florida

My Commission Expires:

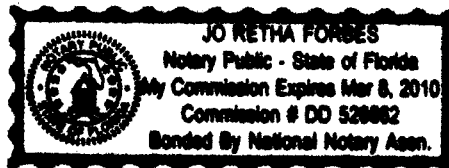


EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Fuel and Purchase Power Cost Recovery)
Clause with Generating Performance)
Incentive Factor)
_____)

DOCKET NO. 070001-EI

FILED: May 30, 2007

STATE OF FLORIDA)
MIAMI-DADE COUNTY)

AFFIDAVIT OF OSVALDO J. LOM


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

1. My name is Osvaldo J. Lom. I am currently employed by Florida Power & Light Company ("FPL") as Supervisor of Purchased Power Contracts. I have personal knowledge of the matters stated in this affidavit.

2. With respect to Exhibit C, I have reviewed the documents that are included in Exhibit A to FPL's Request for Confidential Classification of Information Obtained in Connection with Audit No. 07-022-4-3. The documents or materials that I have reviewed and which are asserted by FPL to be proprietary confidential business information contain competitively sensitive data that, if disclosed, would place FPL at a competitive disadvantage. Certain proprietary confidential information concerns St. Johns River Power Park (SJRPP), a Jacksonville Electric Authority (JEA) and FPL venture. JEA maintains this information as confidential pursuant to Section 163.01(15)(m), Florida Statutes, and the disclosure of this information would injure FPL and JEA in the marketplace. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

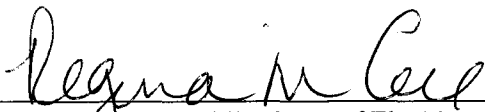
3. Consistent with the provisions of the Florida Administrative Code, such materials should remain confidential for a period of not less than 18 months. In addition, they should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business so that FPL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

4. Affiant says nothing further.



Osvaldo J. Lom

SWORN TO AND SUBSCRIBED before me this 24th day of May 2007, by Osvaldo J. Lom, 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:

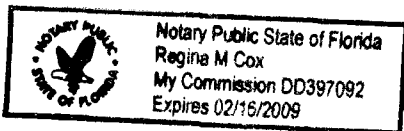


EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Fuel and Purchase Power Cost Recovery) DOCKET NO. 070001-EI
Clause with Generating Performance)
Incentive Factor) FILED: May 30, 2007
)

STATE OF FLORIDA)
)
COUNTY OF MIAMI-DADE)

AFFIDAVIT OF ROBERT ONGSARD

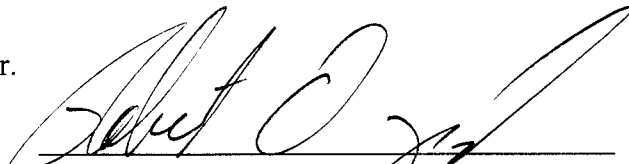
BEFORE ME, the undersigned authority, personally appeared Robert Onsgard who, being first duly sworn, deposes and says:

1. My name is Robert Onsgard. I am currently employed by Florida Power & Light Company ("FPL") as Manager, Internal Auditing. I have personal knowledge of the matters stated in this affidavit.

2. With respect to Exhibit C, I have reviewed the documents and information for which I am listed as Affiant that are included in Exhibit A to FPL's Request for Confidential Classification of materials provided pursuant to Audit No. 07-022-4-3. Such documents or materials that I have reviewed and which, in whole or in part, are asserted by FPL to be proprietary confidential business information, contain or constitute internal auditing controls and reports of internal auditors or information relating to same. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

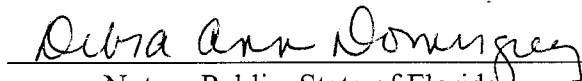
3. Consistent with the provisions of the Florida Administrative Code, such materials should remain confidential for a period of not less than 18 months. In addition, they should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business so that FPL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

4. Affiant says nothing further.



Robert Onsgard

SWORN TO AND SUBSCRIBED before me this 24th day of May 2007, by Robert Onsgard, 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: April 20, 2008



EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Fuel and Purchase Power Cost Recovery)
Clause with Generating Performance)
Incentive Factor)
_____)

DOCKET NO. 070001-EI

FILED: May 30, 2007

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

2. With respect to Exhibit C, I have reviewed the documents which are included in Exhibit A to FPL's Request for Confidential Classification of Information Obtained in Connection with Audit No. 07-022-4-3. The documents or materials that I have reviewed and which are asserted by FPL to be proprietary confidential business information contain or constitute contractual data such as pricing and other terms, payment records, and vendor and supplier rates, the disclosure of which would impair the efforts of FPL to contract for capacity and transmission services on favorable terms for the benefit of its customers and would impair the competitive interests of FPL and its vendors. Certain of the information would also place FPL at a disadvantage when coupled with other information that is publicly available. 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.

Handwritten signature of Gerard J. Yupp over a horizontal line.

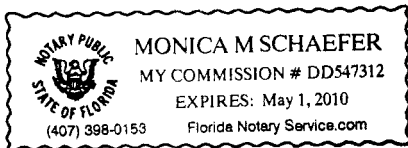
Gerard J. Yupp

SWORN TO AND SUBSCRIBED before me this 23rd day of May 2007, by Gerard J. 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 Monica M. Schaefer over a horizontal line.

Notary Public, State of Florida

My Commission Expires:



State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: 5-30-07
TO: John T. Butke
FROM: T. Henry, Division of the Commission Clerk &
Administrative Services
RE: **Acknowledgment of Receipt of Confidential Filing**

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket No. 070001-27 or (if filed in an undocketed matter) concerning Audit No. 07-022-4-3, and filed on behalf of FPL/ Butke. The document will be maintained in locked storage.

Any questions regarding this matter should be directed to Marguerite Lockard at (850) 413-6770.

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PSC/CCA019-C(Rev 12/06)

CONFIDENTIAL
DOCUMENT NUMBER-DATE
04415 MAY 30 5
FPSC-COMMISSION CLERK