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November 19, 2007

-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

RECEIVED-FPSC
07 NOV 26 AM 9:12
COMMISSION
CLERK

Re: Docket No. 070001-EI

Dear Ms. Cole:

The enclosed Exhibit D is the original affidavit of Mr. Gerard Yupp. A copy of the affidavit was filed with the confidential request of information contained in FPL's Late Filed Deposition Exhibit No. 3 on November 19 in the above docket. The enclosed affidavit supersedes the copy filed on November 19, 2007.

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

Sincerely,

Damaris Rodriguez for JT Butler

John T. Butler

- CMP _____
- COM _____
- CTR _____
- ECR _____
- GCL _____
- OPC _____
- RCA _____
- SCR _____
- SGA _____
- SEC _____
- OTH _____

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

DOCUMENT NUMBER-DATE

10506 NOV 26 8

FPSC-COMMISSION CLERK

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power Cost Recovery) DOCKET NO. 070001-EI
Clause with Generating Performance Incentive Factor)

STATE OF FLORIDA)
) AFFIDAVIT OF GERARD 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 the document and information for which I am listed as an affiant in Exhibit C and which is included in Exhibit A to FPL's Request for Confidential Classification of Late Filed Exhibit No. 3. The information in said document that FPL asserts in Exhibit C to be proprietary confidential business information consists of information on FPL's natural gas and heavy oil hedging results that, if publicly disclosed and combined with other publicly available information, would provide insight into FPL's procurement strategies and practices. In turn, such insight would allow market participants to anticipate FPL's hedging/procurement decisions and impair FPL's ability to negotiate on favorable terms, to the detriment of FPL's customers. To the best of my knowledge, FPL has maintained the confidentiality of the information in Exhibit A which is asserted by FPL to be proprietary confidential business information.

3. Consistent with the provisions of the Florida Administrative Code, such information should remain confidential for the period of eighteen (18) months. In addition, to the document containing the proprietary confidential business information 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 that information.

4. Affiant says nothing further.

Handwritten signature of Gerard Yupp over a horizontal line, with the name Gerard Yupp printed below.

SWORN TO AND SUBSCRIBED before me this 14th day of November 2007, 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 Maritza Miranda-Luise over a horizontal line, with the name Maritza Miranda-Luise and title Notary Public, State of Florida printed below.

DOCUMENT NUMBER-DATE
10506 NOV 26 07

FPSC-COMMISSION CLERK