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August 8, 2008

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 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 Second Request for Confidential Classification of certain material provided to the Florida Public Service Commission Staff in Connection with the Fuel Cost Recovery Clause Audit (Audit Control No. 04-022-4-1) in Docket 080001-EI. The enclosed affidavit supersedes the copy filed on August 6, 2008.

If there are any questions regarding this transmittal, please contact me at 561-304-5226.

Sincerely,



Jessica A. Cano

DOCUMENT NUMBER-DATE

07122 AUG 11 8

FPSC-COMMISSION CLERK

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

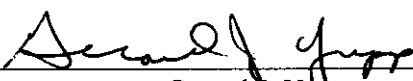
BEFORE ME, the undersigned authority, personally appeared Gerard J. Yupp who, being first duly sworn deposes and says:

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.

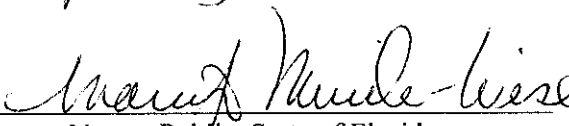
2. I have reviewed the documents and information included in Exhibit A to FPL's Request for Confidential Classification of Certain Information Obtained in Connection with Audit No. 04-022-4-1. The documents or materials that I have reviewed and which are asserted by FPL to be proprietary confidential business information contain or constitute 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 goods and 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.

3. No significant changes have occurred since the issuance of Order No. 07-0104-CFO-EI to render the information stale or public such that continued confidential treatment would not be appropriate. Accordingly, the information referred to in this affidavit should continue to be maintained as confidential for an additional period of not less than eighteen months. In addition, these materials 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.

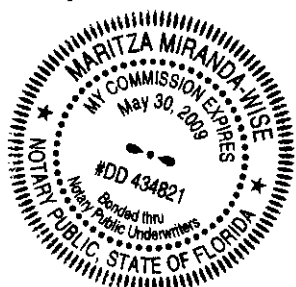
4. Affiant says nothing further.


Gerard J. Yupp

SWORN TO AND SUBSCRIBED before me this 5th day of August by Gerard J. Yupp, who is personally known to me or who has produced personally kept (type of identification) as identification and who did take an oath.


Notary Public, State of Florida

My Commission Expires:



DOCUMENT NUMBER-DATE
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