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November 7, 2008

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COMMISSION
CLERK

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 Request for Confidential Classification of certain information responsive to Staff's Sixth Set of Interrogatories Nos. 86 and 88 in the above docket. The enclosed affidavit supersedes the copy filed on November 3, 2008.

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

Sincerely,

Teroy J. Keith for
John T. Butler

COM _____
ECR _____
GCL 2 _____
OPC _____
RCP _____
SSC 1 _____
SGA 1 _____
ADM _____
CLK _____

DOCUMENT NUMBER-DATE

10454 NOV-7 08

FPSC-COMMISSION CLERK

EXHIBIT D

BEFORE THE FLORIDA
PUBLIC SERVICE COMMISSION

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

Docket No: 080001-EI

STATE OF FLORIDA)
)
COUNTY OF PALM BEACH)

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 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. The documents and materials in Exhibit A which are asserted by FPL to be proprietary confidential business information are comprised of information concerning bids or other contractual data, the disclosure of which would impair the efforts of FPL to contract for goods and services on favorable terms. This information is also related to competitive interests, and its disclosure would impair the competitive business of FPL.

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.

Gerard J. Yupp
Gerard J. Yupp

SWORN TO AND SUBSCRIBED before me this 31st day of October, 2008 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.

Maritza Miranda-Wise
Notary Public, State of Florida

My Commission Expires:



DOCUMENT NUMBER-DATE

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