

DISTRIBUTION CENTER
09 AUG 34 AM 7: 15

John T. Butler
Managing Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408-0420
(561) 304-5639
(561) 691-7135 (Facsimile)

September 1, 2009

RECEIVED-FPSC
09 SEP -3 AM 10: 59
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 090001-EI

Dear Ms. Cole:

The enclosed Exhibit D is the original affidavit of Gerard J. Yupp. A copy of the affidavit was filed with the Request for Confidential Classification of Short Term Capacity Information in the above docket. The enclosed affidavit supersedes the copy filed on August 20, 2009.

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

Sincerely,



John T. Butler

DOCUMENT NUMBER-DATE

09170 SEP-3 8

FPSC-COMMISSION CLERK

EXHIBIT D

BEFORE THE FLORIDA
PUBLIC SERVICE COMMISSION

In re: Fuel and Purchase Power Cost)
Recovery Clause with Generating)
Performance Incentive Factor)

Docket No. 090001-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 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 short term capacity payments. The documents or materials that I have reviewed and which are asserted by FPL to be proprietary confidential business information contain or constitute data pertinent to capacity payments for specific counterparties, the disclosure of which would impair FPL's ability to contract for capacity on favorable terms. Additionally, this information relates to the competitive interests of FPL and suppliers from whom FPL purchases capacity, the disclosure of which would impair their competitive businesses.

3. Consistent with the provisions of the Florida Administrative Code, such materials should remain confidential for a period of 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.

Gerard J. Yupp
Gerard J. Yupp

SWORN TO AND SUBSCRIBED before me this 20th day of August 2009, 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.

Maritz Miranda-Wise
Notary Public, State of Florida

My Commission Expires:



DOCUMENT NUMBER-DATE

09170 SEP-38

FPSC-COMMISSION CLERK