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October 22, 2009

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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 090001-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 Eighth Set of Interrogatories Nos. 65-68 in the above docket. The enclosed affidavit supersedes the copy filed on October 21, 2009.

If there are any questions regarding this transmittal, please contact me at 561-304-5633.

Sincerely,

*Damaris Rodriguez for*

Scott A. Goorland

DOCUMENT NUMBER-DATE  
10872 OCT 27 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 )

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. The documents or materials that I have reviewed and which are asserted by FPL to be proprietary confidential business information comprise details of FPL's strategy and results related to its fuel hedging program. This information constitutes competitive information of FPL, which allows FPL to hedge its fuel purchases on favorable terms for FPL and its customers. The disclosure of this information would provide other market participants insight into FPL's marketing and trading decisions and/or impair FPL's ability to negotiate, to the detriment of FPL and its customers. Additionally, this information contains details about certain contractual data, the disclosure of which would impair the competitive business of FPL as well as the efforts of FPL to contract for goods and services on favorable terms.

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 20th day of October, 2009, by Gerard Yupp, who is personally known to me or who has produced \_\_\_\_\_ (type of identification) as identification and who did take an oath.

*Maritz Miranda-Wise*  
Notary Public, State of Florida

My Commission Expires:



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