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December 11, 2009

Ms. Ann Cole, Director  
Division of the Commission Clerk and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

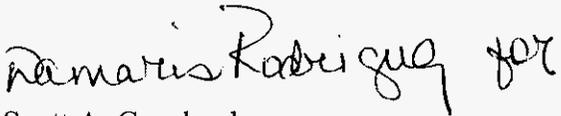
**Re: Docket 090505-EI**

Dear Ms. Cole:

The enclosed Exhibit D is the original affidavit of Mr. Pedro Modia. A copy of the affidavit was filed with the Request for Confidential Classification of certain information responsive to Staff's First Set of Interrogatories No. 1 in the above docket. The enclosed affidavit supersedes the copy filed on November 10, 2009.

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

Sincerely,

  
Scott A. Goorland

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EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Review of replacement fuel cost ) Docket No: 090505-EI
associated with February 26, 2008 outage )
on Florida Power and Light Company's )
electrical system )

STATE OF FLORIDA )
) AFFIDAVIT OF PEDRO MODIA
COUNTY OF MIAMI DADE )

BEFORE ME, the undersigned authority, personally appeared Pedro Modia who, being first duly sworn deposes and says:

1. My name is Pedro Modia. I am currently employed by Florida Power & Light Company ("FPL") as Director of Transmission Services and Planning. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed the Exhibits B and C and the documents and information included in Exhibit A to FPL's Request for Confidential Classification in Connection with the Staff of the Florida Public Service Commissions First Set of Interrogatories, No. 1, in Docket No. 090505. The documents or materials that I have reviewed and which are asserted by FPL to be proprietary confidential business information contains information relating to FPL's security measures, systems, or procedures.. Specifically the report contains information about the overview of the Flagami Event, FPL's system restoration, and design and equipment performance. Additionally the response provides details of the Flagami Event human investigation. To the best of my knowledge, FPL has maintained the confidentiality of these documents and materials.

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.

[Handwritten signature of Pedro Modia]
Pedro Modia

SWORN TO AND SUBSCRIBED before me this 9th day of December, 2009, by Pedro Modia, who is personally known to me or who has produced (type of identification) as identification and who did take an oath.

[Handwritten signature of Notary Public]
Notary Public, State of Florida

My Commission Expires DOCUMENT NUMBER-DATE

11912 DEC 14 8

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