

090002 EG

EXHIBIT D

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DOCUMENT NUMBER-DATE

04142 MAY-18

FPSC-COMMISSION CLERK

ATTACHMENT D

**BEFORE THE FLORIDA
PUBLIC SERVICE COMMISSION**

In re: Energy Conservation)
Cost Recovery Factor)
)

DOCKET NO. 090002-EG

STATE OF FLORIDA)
)
COUNTY OF MIAMI-DADE)

AFFADAVIT OF LEONOR M. HERRERA

BEFORE ME, the undersigned authority, this day personally appeared Leonor M. Herrera, who being first duly sworn, deposes and says:

My name is Leonor M. Herrera. I am employed by Florida Power & Light Company in the position of Manager, Residential Demand Side Management Programs. I am a resident of the State of Florida, am over eighteen (18) years old and make this affidavit based upon my personal knowledge.

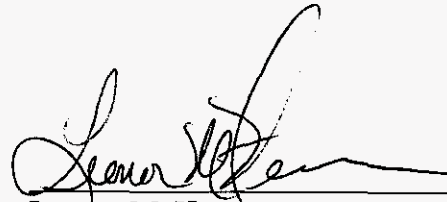
Florida Power & Light Company has a corporate policy not to disclose customer-specific information. This policy includes, but is not limited to: customer names, addresses, telephone numbers, account numbers, meter numbers, rates, billing determinants (kW and kWh usage), bills, conservation retrofit information, conservation savings in kW, kWh and bills, chiller efficiency reports, costs of equipment retrofits, incentives paid, operating hours, lighting codes for fixtures installed or removed by customers, the kW per fixture of installed or removed fixtures, operating hours of equipment, the payback of conservation installations, and the identity of contractors performing customer specific installations. FPL treats such information as confidential and does not disclose it, except as required by law, to entities or persons other than the customer without the permission of the customer. FPL's policy is premised upon customers'

right to privacy and the potential that the disclosure of customer specific-information may harm some customers' competitive interests or disclose their trade secrets.

I have reviewed Florida Power & Light Company's Request For Confidential Classification Regarding Confidential Information Required To Be Filed As Part Of True-Up Filing and Attachments A and B to the Request. The information identified therein as confidential falls within FPL's corporate policy of not disclosing customer specific information.

I have reviewed the detailed justification of confidentiality in Attachment C to Florida Power & Light Company's Request For Confidential Classification Regarding Confidential Information Required To Be Filed As Part Of True-Up Filing, and the factual representations therein are accurate both as to the scope of FPL's policy not to disclose customer specific information and to the potential injury of customers due to the disclosure of competitive information or possible trade secrets.

The information for which FPL seeks confidential classification in its Request will continue to be confidential after the expiration of eighteen months. FPL will continue to treat all this customer specific information as confidential until released by the customer. The customers' competitive interests which would be damaged by the release of this information will still exist after eighteen months. Most of this equipment and the related information about usage and efficiencies will continue to be relevant for years to come, and its disclosure would injure the customers' competitive interests. The return of this information to FPL after the close of the hearing, if not admitted into evidence, would protect the interests of the customers. If the confidential information in Schedule CT-6 is admitted into the record, then the potential injury from disclosure of competitive interests will last longer than eighteen months and warrants the Commission finding that its confidential classification should not be limited to eighteen months.


Leonor M. Herrera

Before me the undersigned authority personally appeared, on this 29 day of April, 2009,
Leonor M. Herrera, who is personally known to me.


Notary Public, State of Florida

Monica Lynn Padron
Printed Name of Notary

DD 623437
Commission Number

My Commission expires:

