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September 17, 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 Fifth Set of Interrogatories Nos. 48 in the above docket. The enclosed affidavit supersedes the copy filed on September 16, 2009.

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

Sincerely,


John T. Butler

DOCUMENT NUMBER-DATE

09698 SEP 18 09

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 contain or constitute data pertinent to FPL's hedging program. Specifically, the documents contain information regarding transaction details for FPL's natural gas and fuel oil annual hedging program in both 2008 and 2009. The disclosure of this information would impair the efforts of FPL to contract for goods and services on favorable terms for the benefit of its customers and would impair the competitive interests of FPL and its vendors. Disclosure of certain of the information also would place FPL at a competitive disadvantage when coupled with other information that is publicly available.

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 14th day of September, 2009, by Gerry Yupp who is personally known to me or who has produced personally known (type of identification) as identification and who did take an oath.



Maritza Miranda-Wise
Notary Public, State of Florida

My Commission Expires:

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