



Ilan Kaufer  
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(561) 691-7135 (Facsimile)

September 24, 2009

**-VIA HAND DELIVERY -**

Ms. Ann Cole  
Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

RECEIVED-FPSC  
09 SEP 24 PM 1:44  
COMMISSION  
CLERK

**Re: Docket 090001-EI**

Dear Ms. Cole:

I am enclosing for filing in the above referenced docket the original, executed affidavits of Gerard Yupp and David Noznesky, which is Exhibit D to Florida Power & Light Company's First Request for Extension of Confidential Classification filed on September 23, 2009. A copy of the affidavits was included with the September 23 filing.

If there are any questions regarding this transmittal, please contact me at 561-304-5675.

Sincerely,

  
for Ilan Kaufer

Enclosure

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and purchased power cost recovery )
Clause with generating performance )
Incentive factor. )

Docket 090001-EI

STATE OF FLORIDA )
PALM BEACH COUNTY )

AFFIDAVIT OF GERARD YUPP

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

1. My name is Gerard Yupp. I am currently employed by Florida Power & Light Company ("FPL") as Senior Director of Wholesale Operations. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed the document for which I am listed as Affiant in Exhibit C and which is included in Exhibit A to FPL's Request for Confidential Classification of Short Term Capacity Payment Information and Corporate Security Investigative Report. The information in said document contains or constitutes supplier specific information regarding contract prices, the disclosure of which would impair FPL's ability to contract for capacity on favorable terms. Certain of the information also relates to the competitive interests of FPL and of suppliers from whom FPL purchases or has considered purchasing capacity, the disclosure of which would impair FPL's and/or the suppliers' competitive business. To the best of my knowledge, FPL has maintained the confidentiality of this information.

3. No significant changes have occurred since the issuance of Order No. 08-0165-CFO-EI to render the information stale or public such that continued confidential treatment would not be appropriate. Therefore, the information should remain confidential for a period of at least eighteen (18) months. These materials 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.

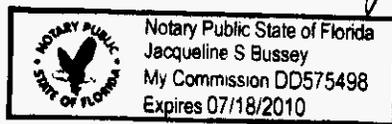
4. Affiant says nothing further.

Handwritten signature of Gerard Yupp over a horizontal line, with the name Gerard Yupp printed below.

SWORN TO AND SUBSCRIBED before me this 23rd day of September 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.

Handwritten signature of Jacqueline S. Bussey over a horizontal line, with the text Notary Public, State of Florida printed below.

My Commission Expires:



DOCUMENT NUMBER-DATE

09895 SEP 24 8

FPSC-COMMISSION CLERK

EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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STATE OF FLORIDA )  
 )  
PALM BEACH COUNTY )

AFFIDAVIT OF DAVID NOZNESKY

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

1. My name is David Noznesky. I am currently employed by Florida Power & Light Company ("FPL") as Senior Director of Corporate Security. I have personal knowledge of the matters stated in this affidavit.

2. I have reviewed the documents for which I am listed as Affiant in Exhibit C and which is included in Exhibit A to FPL's Request for Confidential Classification of Short Term Capacity Payment Information and Corporate Security Investigative Report. The information in said documents contains or constitutes data related to FPL's internal security measures, the disclosure of which would work to the detriment of FPL, its customers, and the general public. To the best of my knowledge, FPL has maintained the confidentiality of this information.

3. No significant changes have occurred since the issuance of Order No. 08-0165-CFO-EI to render the information stale or public such that continued confidential treatment would not be appropriate. Therefore, the information should remain confidential for a period of at least eighteen (18) months. These materials 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.

  
\_\_\_\_\_  
David Noznesky

SWORN TO AND SUBSCRIBED before me this 23<sup>rd</sup> day of September 2009, by David Noznesky, who is personally known to me or who has produced \_\_\_\_\_ (type of identification) as identification and who did take an oath.

  
\_\_\_\_\_  
Notary Public, State of Florida

My Commission Expires:

