

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

REDACTED

In re: Fuel and purchased power)
cost recovery clause with)
generating performance incentive)
factor.)
_____)

Docket No. 100001-EI

Filed: April 1, 2010

FLORIDA POWER AND LIGHT COMPANY'S REQUEST FOR CONFIDENTIAL CLASSIFICATION OF FUEL HEDGING CONFIDENTIAL INFORMATION

Florida Power & Light Company ("FPL"), pursuant to Section 366.093, Florida Statutes and Rule 25-22.006, Florida Administrative Code, requests confidential classification of certain information on fuel hedging activities and market comparisons that is contained in Exhibit GJY-1 to the prepared testimony of Gerard J. Yupp (the "Fuel Hedging Confidential Information"). In support of its Request, FPL states as follows:

1. On April 1, 2010, FPL filed the prepared testimony of Gerald J. Yupp, including Exhibit GJY-1, in support of its report on 2009 Fuel Hedging activities. That testimony and exhibit contain information of a confidential nature. Pursuant to Rule 25-22.006(3)(a), F.A.C., FPL is filing this Request for Confidential Classification.

2. The following exhibits are included with, and made a part of, this Request:

a. Exhibit A consists of a copy of Exhibit GJY-1, in which all of the Fuel Hedging Confidential Information that FPL asserts is entitled to confidential treatment has been highlighted.

b. Exhibit B consists of two copies of Exhibit GJY-1 in which all of the Fuel Hedging Confidential Information that FPL asserts is entitled to confidential treatment has been redacted.

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APA _____
ECR ✓ _____
GCL _____
RAD _____
SSC _____
ADM _____
OPC _____
CLK _____

DOCUMENT NUMBER-DATE

02428 APR-1 0

FPSC-COMMISSION CLERK

c. Exhibit C is a table containing an identification of the information highlighted in Exhibit A, together with references to the specific statutory bases for the claim of confidentiality and to the affidavit in support of the requested classification.

d. Exhibit D consists of the affidavit of Gerard J. Yupp in support of this request.

3. FPL submits that the highlighted information in Exhibit A is proprietary confidential business information within the meaning of Section 366.093(3), F.S. This information in Exhibit A is intended to be and is treated by FPL as private, and its confidentiality has been maintained. Pursuant to Section 366.093, F.S., such information is entitled to confidential treatment and is exempt from the disclosure provisions of the public records law. Thus, once the Commission determined that the information in question is proprietary confidential business information, the Commission is not required to engage in any further analysis or review such as weighing the hard of disclosure against the public interest in access to the information.

4. As the affidavit included in Exhibit D indicates, the information provided by FPL contains trade secrets, protected under Section 366.093(3)(a), F.S. Specifically, the Fuel Hedging Confidential Information contains information on FPL's Fuel Hedging program which allows FPL to purchase and sell fuel and electric power on favorable terms for FPL and its customers. The disclosure of that trade-secret information would provide other participants in the fuel and electric power markets insight into FPL's marketing and trading practices that would allow them to anticipate FPL's marketing and trading decisions and/or impair FPL's ability to negotiate, to the detriment of FPL and its customers. In addition, the public disclosure of this information would impair the competitive business of FPL, protected under Section 366.093(3)(e), F.S.

5. Upon a finding by the Commission that the Fuel Hedging Confidential Information in Exhibit A is proprietary confidential business information within the meaning of Section 366.093(3), F.S., pursuant to Section 366.093(4), F.S., such materials should not be declassified for at least eighteen (18) months and should be returned to FPL as soon as the information is no longer necessary for the Commission to conduct its business.

WHEREFORE, FPL respectfully requests confidential classification of the Fuel Hedging Confidential Information described herein.

Respectfully submitted this 1st day of April, 2010.

R. Wade Litchfield, Esq., Vice President and
Chief Regulatory Counsel
John T. Butler, Esq., Managing Attorney
Scott A. Goorland, Esq., Principal Attorney
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408
Telephone: (561) 304-5633
Facsimile: (561) 691-7135

BY: 

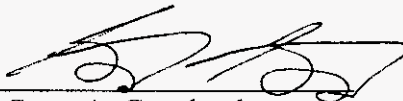
Scott A. Goorland
Fla. Bar No. 0066834

CERTIFICATE OF SERVICE
Docket No. 100001-EI

I HEREBY CERTIFY that a true and correct copy of the foregoing Request for Confidential Classification of the Fuel Hedging Information (*) has been furnished by hand delivery (**) or the United States Mail on this 1st day of April 2010 to the following:

<p>Lisa Bennett, Esq.(**) Division of Legal Services Florida Public Service Commission 2540 Shumard Oak Blvd Tallahassee, Florida 32399-0850 LBENNETT@PSC.STATE.FL.US</p>	<p>J. R. Kelly, Esq. Patricia Christensen, Esq. Charles Beck, Esq. Office of Public Counsel c/o The Florida Legislature 111 West Madison Street, Room 812 Tallahassee, Florida 32399 Kelly.jr@leg.state.fl.us Christensen.patty@leg.state.fl.us beck.charles@leg.state.fl.us</p>
<p>Lee L. Willis, Esq. James D. Beasley, Esq. Ausley & McMullen Attorneys for Tampa Electric P.O. Box 391 Tallahassee, Florida 32302 jbeasley@ausley.com lwillis@ausley.com</p>	<p>John T. Burnett, Esq. Progress Energy Service Company, LLC P.O. Box 14042 St. Petersburg, Florida 33733-4042 john.burnett@pgnmail.com</p>
<p>John W. McWhirter, Jr., Esq. McWhirter & Davidson, P.A. Attorneys for FIPUG P.O. Box 3350 Tampa, Florida 33602 jmcwhirter@mac-law.com</p>	<p>Beth Keating, Esq. Akerman, Senterfitt Attorneys for FPUC 106 East College Avenue Suite 1200 Tallahassee, Florida 32301 Beth.keating@akerman.com</p>
<p>Jeffrey A. Stone, Esq. Russell A. Badders, Esq. Beggs & Lane Attorneys for Gulf Power P.O. Box 12950 Pensacola, Florida 32576-2950 jas@beggslane.com rab@beggslane.com</p>	<p>James W. Brew, Esq. Attorney for White Springs Brickfield, Burchette, Ritts & Stone, The P.C 1025 Thomas Jefferson Street, NW Eighth Floor, West Tower Washington, DC 2007-5201 jbrew@bbrslaw.com</p>

<p>Robert Scheffel Wright, Esq. Jay T. LaVia, III, Esq. Young van Assenderp, P.A Attorneys for Florida Retail Federation 225 South Adams Street, Suite 200 Tallahassee, FL 32301 swright@yvlaw.net jlavia@yvlaw.net</p>	<p>Jon C. Moyle and Vicki Kaufman Keefe, Anchors Gordon & Moyle, P.A. 118 N. Gadsden St. Tallahassee, FL 32301 Co-Counsel for FIPUG vkaufman@kagmlaw.com jmoyle@kagmlaw.com</p>
<p>Cecilia Bradley Senior Assistant Attorney General Office of the Attorney General The Capitol - PL01 Tallahassee, FL 32399-1050 cecilia.bradley@myfloridalegal.com</p>	<p>Michael C. Barrett (*) Division of Economic Regulation Florida Public Service Commission 2540 Shumard Oak Blvd Tallahassee, Florida 32399-0850 mbarrett@psc.state.fl.us</p>

BY: 
Scott A. Goorland
Fla. Bar No. 0066834

* The exhibits to this Request are not included with the service copies, but a redacted version of Exhibit GJY-1 (Exhibit B) is included with the testimony of Mr. Yupp that is being served on all parties, and copies of Exhibits C and D are available upon request.

EXHIBIT B

CONFIDENTIAL

	A	B	C	D	E	F
			FPL NATURAL GAS PROCUREMENT			
			VOLUME (MMBTU)			
	<u>PERIOD</u>	<u>INSTRUMENT</u>	<u>PURCHASES</u>	<u>SALES</u>	<u>OPTION PREMIUMS</u>	<u>GAIN/(LOSS)</u>
1						
2						
3						
4	YEAR-TO-DATE	FIXED PRICE TRANSACTIONS				
5	(JAN - DEC)	SWAPS				
6	2009	SWING SWAPS				
7		OVER-THE-COUNTER OPTIONS				
8		BROKER FEES				
9						
10						\$ (1,660,695,829)
11						
12		AVERAGE PERIOD OF HEDGE (Days) - FINANCIAL				

CONFIDENTIAL

	A	B	C	D	E	F
			FPL HEAVY FUEL OIL PROCUREMENT			
			VOLUME (BARRELS)			
	<u>PERIOD</u>	<u>INSTRUMENT</u>	<u>PURCHASES</u>	<u>SALES</u>	<u>OPTION PREMIUMS</u>	<u>GAIN/(LOSS)</u>
1						
2						
3						
4	YEAR-TO-DATE	FIXED PRICE TRANSACTIONS				
5	(JAN - DEC)	SWAPS				
6	2009	SWING SWAPS				
7		OVER-THE-COUNTER OPTIONS				
8		BROKER FEES				
9						
10						\$ (62,901,236)
11						
12		AVERAGE PERIOD OF HEDGE (Days) - FINANCIAL				

CONFIDENTIAL

	A	B	C	D	E	F
			FPL NATURAL GAS PROCUREMENT			
			VOLUME (MMBTU)			
	<u>PERIOD</u>	<u>INSTRUMENT</u>	<u>PURCHASES</u>	<u>SALES</u>	<u>OPTION PREMIUMS</u>	<u>GAIN/(LOSS)</u>
1						
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4	January-09	FIXED PRICE TRANSACTIONS				
5		SWAPS				
6		SWING SWAPS				
7		OVER-THE-COUNTER OPTIONS				
8		BROKER FEES				
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CONFIDENTIAL

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			FPL HEAVY FUEL OIL PROCUREMENT			
			VOLUME (BARRELS)			
	<u>PERIOD</u>	<u>INSTRUMENT</u>	<u>PURCHASES</u>	<u>SALES</u>	<u>OPTION PREMIUMS</u>	<u>GAIN/(LOSS)</u>
1						
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4	January-09	FIXED PRICE TRANSACTIONS				
5		SWAPS				
6		SWING SWAPS				
7		OVER-THE-COUNTER OPTIONS				
8		BROKER FEES				
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			FPL NATURAL GAS PROCUREMENT			
			VOLUME (MMBTU)			
	<u>PERIOD</u>	<u>INSTRUMENT</u>	<u>PURCHASES</u>	<u>SALES</u>	<u>OPTION PREMIUMS</u>	<u>GAIN/(LOSS)</u>
1						
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4	February-09	FIXED PRICE TRANSACTIONS				
5		SWAPS				
6		SWING SWAPS				
7		OVER-THE-COUNTER OPTIONS				
8		BROKER FEES				
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			VOLUME (BARRELS)			
	<u>PERIOD</u>	<u>INSTRUMENT</u>	<u>PURCHASES</u>	<u>SALES</u>	<u>OPTION PREMIUMS</u>	<u>GAIN/(LOSS)</u>
1						
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4	February-09	FIXED PRICE TRANSACTIONS				
5		SWAPS				
6		SWING SWAPS				
7		OVER-THE-COUNTER OPTIONS				
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1						
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3	March-09	FIXED PRICE TRANSACTIONS				
4		SWAPS				
5		SWING SWAPS				
6		OVER-THE-COUNTER OPTIONS				
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3	<u>PERIOD</u>	<u>INSTRUMENT</u>				
4	March-09	FIXED PRICE TRANSACTIONS				
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4	April-09	FIXED PRICE TRANSACTIONS				
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7		OVER-THE-COUNTER OPTIONS				
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4	April-09	FIXED PRICE TRANSACTIONS				
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4	May-09	FIXED PRICE TRANSACTIONS				
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3	May-09	FIXED PRICE TRANSACTIONS				
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4	June-09	FIXED PRICE TRANSACTIONS				
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4	June-09	FIXED PRICE TRANSACTIONS				
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	<u>PERIOD</u>	<u>INSTRUMENT</u>	<u>PURCHASES</u>	<u>SALES</u>	<u>OPTION PREMIUMS</u>	<u>GAIN/(LOSS)</u>
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3	July-09	FIXED PRICE TRANSACTIONS				
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4	July-09	FIXED PRICE TRANSACTIONS				
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6		SWING SWAPS				
7		OVER-THE-COUNTER OPTIONS				
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4	August-09	FIXED PRICE TRANSACTIONS				
5		SWAPS				
6		SWING SWAPS				
7		OVER-THE-COUNTER OPTIONS				
8		BROKER FEES				
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4	August-09	FIXED PRICE TRANSACTIONS				
5		SWAPS				
6		SWING SWAPS				
7		OVER-THE-COUNTER OPTIONS				
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4	September-09	FIXED PRICE TRANSACTIONS				
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4	September-09	FIXED PRICE TRANSACTIONS				
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4	October-09	FIXED PRICE TRANSACTIONS				
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7		OVER-THE-COUNTER OPTIONS				
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4	October-09	FIXED PRICE TRANSACTIONS				
5		SWAPS				
6		SWING SWAPS				
7		OVER-THE-COUNTER OPTIONS				
8		BROKER FEES				
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	<u>PERIOD</u>	<u>INSTRUMENT</u>	<u>PURCHASES</u>	<u>SALES</u>	<u>OPTION PREMIUMS</u>	<u>GAIN/(LOSS)</u>
1						
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4	November-09	FIXED PRICE TRANSACTIONS				
5		SWAPS				
6		SWING SWAPS				
7		OVER-THE-COUNTER OPTIONS				
8		BROKER FEES				
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			VOLUME (BARRELS)			
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4	November-09	FIXED PRICE TRANSACTIONS				
5		SWAPS				
6		SWING SWAPS				
7		OVER-THE-COUNTER OPTIONS				
8		BROKER FEES				
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1						
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4	December-09	FIXED PRICE TRANSACTIONS				
5		SWAPS				
6		SWING SWAPS				
7		OVER-THE-COUNTER OPTIONS				
8		BROKER FEES				
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			VOLUME (BARRELS)			
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1						
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4	December-09	FIXED PRICE TRANSACTIONS				
5		SWAPS				
6		SWING SWAPS				
7		OVER-THE-COUNTER OPTIONS				
8		BROKER FEES				
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EXHIBIT C

COMPANY: Florida Power & Light Company
TITLE: List of Confidential Documents
DOCKET NO.: 100001-EI
DOCKET TITLE: Fuel and Purchased Power Cost Recovery Clause
SUBJECT: Fuel Hedging Information
DATE: April 1, 2010

Document	Page No.	Description	No. of Pages	Conf. Y/N	LINE NO./ COL. NO.	FLORIDA STATUTE 366.093(3) Subsection:	AFFIANT
GJY-1	1	FPL Natural Gas Procurement Year to Date (Jan-Dec 2009)	1	Y	Lines 4-9, & 12 ,Col C-D Lines 4-9, Col E Lines 4-8, Col F	(a), (e)	G. Yupp
GJY-1	2	FPL Heavy Fuel Oil Procurement Year to Date (Jan-Dec 2009)	1	Y	Lines 4-9, & 12, Col C-D Lines 4-9, Col E Line 4-8, Col F	(a), (e)	G. Yupp
GJY-1	3	FPL Natural Gas Procurement January 2009	1	Y	Lines 4-9, Col C-F	(a), (e)	G. Yupp
GJY-1	4	FPL Heavy Fuel Oil Procurement January 2009	1	Y	Lines 4-9, Col C-F	(a), (e)	G. Yupp
GJY-1	5	FPL Natural Gas Procurement February 2009	1	Y	Lines 4-9, Col C-F	(a), (e)	G. Yupp
GJY-1	6	FPL Heavy Fuel Oil Procurement February 2009	1	Y	Lines 4-9, Col C-F	(a), (e)	G. Yupp
GJY-1	7	FPL Natural Gas Procurement March 2009	1	Y	Lines 4-9, Col C-F	(a), (e)	G. Yupp
GJY-1	8	FPL Heavy Fuel Oil Procurement March 2009	1	Y	Lines 4-9, Col C-F	(a), (e)	G. Yupp

EXHIBIT C

Document	Page No.	Description	No. of Pages	Conf. Y/N	LINE NO./ COL. NO.	FLORIDA STATUTE 366.093(3) Subsection:	AFFIANT
GJY-1	9	FPL Natural Gas Procurement April 2009	1	Y	Lines 4-9, Col C-F	(a), (e)	G. Yupp
GJY-1	10	FPL Heavy Fuel Oil Procurement April 2009	1	Y	Lines 4-9, Col C-F	(a), (e)	G. Yupp
GJY-1	11	FPL Natural Gas Procurement May 2009	1	Y	Lines 4-9, Col C-F	(a), (e)	G. Yupp
GJY-1	12	FPL Heavy Fuel Oil Procurement May 2009	1	Y	Lines 4-9, Col C-F	(a), (e)	G. Yupp
GJY-1	13	FPL Natural Gas Procurement June 2009	1	Y	Lines 4-9, Col C-F	(a), (e)	G. Yupp
GJY-1	14	FPL Heavy Fuel Oil Procurement June 2009	1	Y	Lines 4-9, Col C-F	(a), (e)	G. Yupp
GJY-1	15	FPL Natural Gas Procurement July 2009	1	Y	Lines 4-9, Col C-F	(a), (e)	G. Yupp
GJY-1	16	FPL Heavy Fuel Oil Procurement July 2009	1	Y	Lines 4-9, Col C-F	(a), (e)	G. Yupp
GJY-1	17	FPL Natural Gas Procurement August 2009	1	Y	Lines 4-9, Col C-F	(a), (e)	G. Yupp
GJY-1	18	FPL Heavy Fuel Oil Procurement August 2009	1	Y	Lines 4-9, Col C-F	(a), (e)	G. Yupp
GJY-1	19	FPL Natural Gas Procurement September 2009	1	Y	Lines 4-9, Col C-F	(a), (e)	G. Yupp

EXHIBIT C

Document	Page No.	Description	No. of Pages	Conf. Y/N	LINE NO./ COL. NO.	FLORIDA STATUTE 366.093(3) Subsection:	AFFIANT
GJY-1	20	FPL Heavy Fuel Oil Procurement September 2009	1	Y	Lines 4-9, Col C-F	(a), (e)	G. Yupp
GJY-1	21	FPL Natural Gas Procurement October 2009	1	Y	Lines 4-9, Col C-F	(a), (e)	G. Yupp
GJY-1	22	FPL Heavy Fuel Oil Procurement October 2009	1	Y	Lines 4-9, Col C-F	(a), (e)	G. Yupp
GJY-1	23	FPL Natural Gas Procurement November 2009	1	Y	Lines 4-9, Col C-F	(a), (e)	G. Yupp
GJY-1	24	FPL Heavy Fuel Oil Procurement November 2009	1	Y	Lines 4-9, Col C-F	(a), (e)	G. Yupp
GJY-1	25	FPL Natural Gas Procurement December 2009	1	Y	Lines 4-9, Col C-F	(a), (e)	G. Yupp
GJY-1	26	FPL Heavy Fuel Oil Procurement December 2009	1	Y	Lines 4-9, Col C-F	(a), (e)	G. Yupp

EXHIBIT D

BEFORE THE FLORIDA
PUBLIC SERVICE COMMISSION

In re: Fuel and Purchase Power Cost)
Recovery Clause with Generating)
Performance Incentive Factor)

Docket No. 100001-EI

STATE OF FLORIDA)
)
COUNTY OF PALM BEACH)

AFFIDAVIT OF GERARD J. YUPP

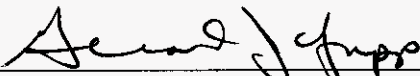
BEFORE ME, the undersigned authority, personally appeared Gerard J. Yupp who, being first duly sworn, deposes and says:

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

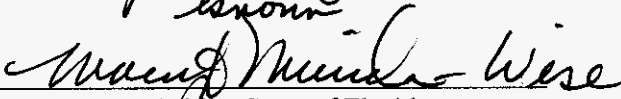
2. I have reviewed the documents and information included in Exhibit A to FPL's Request for Confidential Classification of Fuel Hedging Information. The documents and material in Exhibit A which are asserted by FPL to be proprietary confidential business information are comprised of trade secrets of FPL. Specifically, the Fuel Hedging Confidential Information contains information on FPL's Fuel Hedging program which allows FPL to purchase and sell fuel and electric power on favorable terms for FPL and its customers. The disclosure of that trade-secret information would provide other participants in the fuel and electric power markets insight into FPL's marketing and trading practices that would allow them to anticipate FPL's marketing and trading decisions and/or impair FPL's ability to negotiate, to the detriment of FPL and its customers. In addition the public disclosure of this information would impair the competitive business of FPL. 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 eighteen (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

SWORN TO AND SUBSCRIBED before me this 26th day of March 2010, by Gerard J. Yupp, who is personally known to me or who has produced personally known (type of identification) as identification and who did take an oath.


Notary Public, State of Florida

My Commission Expires:



COMMISSIONERS:
NANCY ARGENZIANO, CHAIRMAN
LISA POLAK EDGAR
NATHAN A. SKOP
DAVID E. KLEMENT
BEN A. "STEVE" STEVENS III

STATE OF FLORIDA



OFFICE OF COMMISSION CLERK
ANN COLE
COMMISSION CLERK
(850) 413-6770

Public Service Commission

ACKNOWLEDGEMENT

DATE: April 2, 2010

TO: Scott A. Goorland, Florida Power & Light Company

FROM: Ruth Nettles, Office of Commission Clerk

RE: Acknowledgement of Receipt of Confidential Filing

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in Docket Number 100001 or, if filed in an undocketed matter, concerning certain information on fuel hedging activities and market comparisons contained in Exhibit GJY-1, and filed on behalf of Florida Power & Light Company. The document will be maintained in locked storage.

If you have any questions regarding this document, please contact Kim Peña, Records Management Assistant, at (850) 413-6393.

DOCUMENT NUMBER - DATE
12429 APR -10
PSC-COMMISSION CLERK

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