

070001-EI

## EXHIBIT D

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DOCUMENT NUMBER-DATE

10370 NOV 196

FPSC-COMMISSION CLERK

**EXHIBIT D**

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Fuel and Purchased Power Cost Recovery ) DOCKET NO. 070001-EI  
Clause with Generating Performance Incentive Factor )

STATE OF FLORIDA )  
 ) **AFFIDAVIT OF GERARD YUPP**  
PALM BEACH COUNTY )

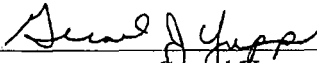
**BEFORE ME**, the undersigned authority, personally appeared Gerard Yupp who, being first duly sworn deposes and says:

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

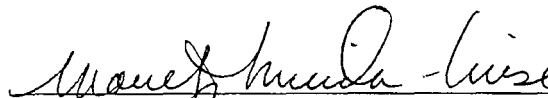
2. I have reviewed the document and information for which I am listed as an affiant in Exhibit C and which is included in Exhibit A to FPL's Request for Confidential Classification of Late Filed Exhibit No. 3. The information in said document that FPL asserts in Exhibit C to be proprietary confidential business information consists of information on FPL's natural gas and heavy oil hedging results that, if publicly disclosed and combined with other publicly available information, would provide insight into FPL's procurement strategies and practices. In turn, such insight would allow market participants to anticipate FPL's hedging/procurement decisions and impair FPL's ability to negotiate on favorable terms, to the detriment of FPL's customers. To the best of my knowledge, FPL has maintained the confidentiality of the information in Exhibit A which is asserted by FPL to be proprietary confidential business information.

3. Consistent with the provisions of the Florida Administrative Code, such information should remain confidential for the period of eighteen (18) months. In addition, to the document containing the proprietary confidential business information 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 that information.

4. Affiant says nothing further.

  
\_\_\_\_\_  
Gerard Yupp

**SWORN TO AND SUBSCRIBED** before me this 16th day of November 2007, by Gerard 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



DOCUMENT NUMBER-DATE

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