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October 5, 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 Sixth Set of Interrogatories Nos. 57, 60, 61 and 62 and Fifth Request for Production of Documents No.10 in the above docket. The enclosed affidavit supersedes the copy filed on October 2, 2009.

If there are any questions regarding this transmittal, please contact me at 561-304-5633.

Sincerely,

Damiris Rodriguez for
Scott A. Goorland

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EXHIBIT D

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fuel and Purchased Power) Docket No: 090001-EI
 Cost Recovery Clause With)
 Generating Performance Incentive)
 Factor)

STATE OF FLORIDA)
) AFFIDAVIT OF GERARD J. YUPP
 COUNTY OF PALM BEACH)

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 comprise details of FPL's strategy and plans for the hedging of fuel purchases. The disclosure of this information would provide other market participant's insight into FPL's marketing and trading decisions and impair FPL's ability to negotiate, to the detriment of FPL and its customers. Additionally, this information contains details about certain contractual data, the disclosure of which would impair the competitive business of FPL, as well as the efforts of FPL to contract for goods and services on favorable terms. Disclosure of certain of this information 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 1st day of October, 2009, 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.

Maritza Miranda-Wise

 Notary Public, State of Florida



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