

BEFORE THE  
POSTAL RATE COMMISSION  
WASHINGTON, D.C. 20268-0001

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Postal Rate and Fee  
Changes

PRC Docket No. R97-1

SEP 8 1 42 PM '97

POSTAL RATE COMMISSION  
OFFICE OF THE SECRETARY

Motion for Late Intervention

Pursuant to the 39 CFR 3001.21, J. C. Penney Company, Inc. ("Penney") hereby requests that the Presiding Officer accept its Notice of Intervention and that it be permitted to participate in the above referenced proceeding as a limited intervenor.

Statement of Facts

By Order dated July 11, 1997, the Postal Rate Commission ( the "Commission") instituted the above referenced proceeding. As part of its Order, the Commission specified that notices of intervention, including notices of limited intervention, were to be filed not later than August 6, 1997. The Commission subsequently extended the August 6th filing deadline to August 13, 1997.

Between the date on which this proceeding was instituted and the present, the United Parcel Service strike posed a significant challenge to Penney, in that it was necessary to devote substantial time and effort to plan, implement and monitor a system permitting the uninterrupted flow of small packages from suppliers to Penney and from Penney to its customers. The same individuals at Penney who are responsible for postal matters were inextricably involved in the planning and execution of such strike contingency and operational matters. As the result of these efforts, the deadline for filing interventions passed before counsel was requested to file a Notice of Intervention.

Argument

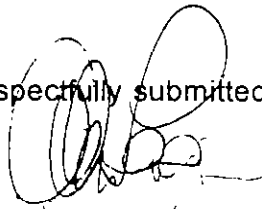
As noted in the attached Notice of Intervention, Penney is a major user of First Class Mail and a substantial user of Standard Mail (A) and Standard Mail (B) in connection with the operation of its catalog, credit, insurance, retail and other operations, and its interests would be significantly affected by the postal rate and fee changes which are the subject of this proceeding.

Moreover, granting Penney's request for late intervention would not, it is submitted, unduly prejudice the interests of other participants, nor would it be inconsistent with the public interest or with the Commission's expeditious discharge of its responsibilities.

Conclusion

For the foregoing reasons, Penney respectfully requests that the Presiding Officer permit it to participate in the above referenced proceeding as a limited intervenor.

Respectfully submitted,

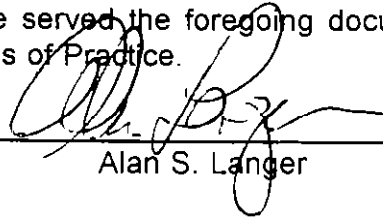


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#### CERTIFICATE OF SERVICE

I hereby certify that I have this date served the foregoing document in accordance with section 12 of the Commission's Rules of Practice.



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Alan S. Langer

August 29, 1997