Before the
UNITED STATES COPYRIGHT OFFICE
COPYRIGHT ROYALTY JUDGES
LIBRARY OF CONGRESS
Washington, DC

In the Matter of Adjustment of
Rates and Terms for the Digital
Performance of Sound Recordings and
Making of Ephemeral Recordings

Docket No. 2005-1 CRJ DTRA

Petition to Participate

XM Satellite Radio Inc. ("XM"), pursuant to the Copyright Royalty Judge’s request, respectfully submits this petition to participate in Docket No. 2005-1 CRJ DTRA. 70 Fed. Reg. 7970 (February 16, 2005). Although XM is a “preexisting satellite digital audio radio service” provider, XM also operates a “new subscription service” at www.xmradio.com. As a webcaster that may rely on a sound recording and/or ephemeral statutory license for its new subscription service, XM will be affected by the above-referenced proceeding.

XM encloses an original and five (5) copies of this petition along with the $150.00 filing fee. If there are any questions, please contact the undersigned.

Respectfully submitted,

XM SATELLITE RADIO INC.

By:__________________________
Rebecca J. Hanson, Esq.
Senior Vice President of Business Affairs
and Deputy General Counsel