

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

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MAR 18 2005

GENERAL COUNSEL
OF COPYRIGHT

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

 **COPY**

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 any questions, please contact the undersigned.

Respectfully submitted,

XM SATELLITE RADIO INC.

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