

**Before the  
COPYRIGHT ROYALTY BOARD  
LIBRARY OF CONGRESS  
Washington, D.C.**

In The Matter Of:	)	
	)	
	)	
Digital Performance Right	)	Docket No. 2009-2
In Sound Recordings and	)	CRB New Subscription II
Ephemeral Recordings for a	)	
New Subscription Service	)	

**SIRIUS XM RADIO INC.'S PETITION TO PARTICIPATE**

Pursuant to 17 U.S.C. § 803(b)(1)(B) and the Copyright Royalty Judges' January 5, 2009 Federal Register notice (74 Fed. Reg. 319), Sirius XM Radio Inc. ("Sirius XM") hereby petitions to participate in the above-captioned proceeding to adjust the rates and terms for 2011-2015 for the new subscription services defined in 37 C.F.R. § 383.2(h) to make certain public performances by digital audio transmission of sound recordings under 17 U.S.C. § 114(f)(2) and to make ephemeral recordings in furtherance of those performances under 17 U.S.C. § 112(e).

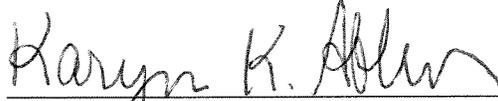
Sirius XM's contact information, as required by 37 C.F.R. § 351.1(b)(1)(i)(A), is as follows:

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1221 Avenue of the Americas  
New York City, NY 10020  
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Sirius XM has a direct and significant interest in this proceeding because it makes public performances of sound recordings by means of digital transmission and ephemeral recordings in furtherance thereof that will be subject to the rates and terms established in this proceeding.

The requisite \$150 filing fee is enclosed herewith.

Respectfully submitted,



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February 4, 2009