

Before the  
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\_\_\_\_\_  
In The Matter Of: :

Digital Performance Right :  
in Sound Recordings and :  
Ephemeral Recordings :  
\_\_\_\_\_ :

Docket No. 2005-1 CRJ DTRA

**RECEIVED**

MAR 18 2005

GENERAL COUNSEL  
OF COPYRIGHT

EMMIS OPERATING COMPANY'S PETITION TO PARTICIPATE

Pursuant to 17 U.S.C. § 803(b)(1)(B) and 70 Fed. Reg. 7970, Emmis Operating Company (“Emmis”) hereby petitions to participate in the above-captioned proceeding to adjust the rates and terms for 2006-2010 for eligible nonsubscription and new subscription services 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).

Emmis has a direct and vital interest in this proceeding because its subsidiaries make public performances of sound recordings by 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,

\_\_\_\_\_  
Name: Cheryl A. Ackerman  
Title: Vice President – Finance, Assistant  
Secretary and Assistant Treasurer  
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March 18, 2005