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GENERAL COUNSEL
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Before the
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In The Matter Of:

Docket No. 2005-1 CRJ DTRA

Digital Performance Right
in Sound Recordings and
Ephemeral Recordings

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SIRIUS SATELLITE RADIO INC.'S PETITION TO PARTICIPATE

Pursuant to 17 U.S.C. § 803(b)(1)(B) and 70 Fed. Reg. 7970, Sirius Satellite Radio Inc. ("Sirius") 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).

Sirius has a direct and vital interest in this proceeding because it makes 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,

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March 17, 2005