

Before the  
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FEDERAL COUNCIL  
OF COPYRIGHT

In the Matter of )  
)  
Adjustment of Rates and Terms for )  
Preexisting Subscription and ) Docket No. 2006-1 CRB DSTRA  
Satellite Digital Audio Radio Services )  
\_\_\_\_\_ )

ORIGINAL

**XM SATELLITE RADIO INC.**  
**PETITION TO PARTICIPATE**

XM Satellite Radio Inc. ("XM"), pursuant to 37 C.F.R. § 351.1(b)(1)(i) and the Notice published at 71 Fed. Reg. 1455 (January 9, 2006), hereby petitions this Honorable Board to participate in the above-captioned proceeding to adjust the rates and terms for preexisting subscription and satellite digital audio radio services. In support of its Petition, XM states as follows:

NAME: XM Satellite Radio Inc.  
ADDRESS: 1500 Eckington Place, NE  
Washington, DC 20002  
TELEPHONE: 202-380-4000  
FACSIMILE: 202-380-4500

XM has a significant interest in the subject matter of this proceeding. XM operates the XM Radio service, which is a subscription satellite digital audio radio service provided pursuant to a satellite digital audio radio service license issued by the Federal Communications Commission on or before July 31, 1998. XM therefore is a "preexisting satellite digital audio radio service" within the meaning of 17 U.S.C.

§ 114(j)(10) and the XM Radio service is subject to the statutory licenses under 17 U.S.C. §§ 112 and 114(d)(2).

XM intends to fully participate in this royalty rate proceeding.

Dated: February 7, 2006

Respectfully submitted,



Seth D. Greenstein  
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*Counsel to XM SATELLITE RADIO INC.*

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February 7, 2006

**By Hand Delivery**

Copyright Royalty Board  
Library of Congress  
James Madison Memorial Building  
Room LM-401  
101 Independence Avenue, SE  
Washington, D.C. 20559-6000

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GENERAL COUNSEL  
OF COPYRIGHT

RE: *In the Matter of Adjustment of Rates and Terms for Preexisting Subscription and Satellite Digital Audio Radio Service, Docket No. 2006-1 CRB DSTRA*

To Whom It May Concern:

I am enclosing for filing the original and five copies (plus another copy for file stamping) of Petition to Participate in the above-referenced matter.

Please don't hesitate to contact me if there are any questions.

Sincerely,



Seth D. Greenstein  
Counsel to XM Satellite Radio Inc.

Enclosures

SG/bmn