

Before the
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Copyright Royalty Board

In the Matter of)

Determination of Rates and Terms for)
Business Establishment Services)
_____)

Docket No. 2007-1 CRB DTRA-BE

SIRIUS SATELLITE RADIO INC.'S PETITION TO PARTICIPATE

Pursuant to 17 U.S.C. § 803(b)(1)(B) and 72 Fed. Reg. 584-85 (Jan. 5, 2007), Sirius Satellite Radio Inc. ("Sirius") hereby petitions to participate in the above-captioned proceeding to adjust the rates and terms for the statutory license set forth in 17 U.S.C. § 112(e)(1). The proceeding applies to "entities that transmit performances of sound recordings to business establishments, pursuant to the limitations set forth in section 114(d)(1)(C)(iv), to make an ephemeral recording of a sound recording for purposes of a later transmission." 72 Fed. Reg. at 585.

Sirius is engaged in the business of making transmissions of audio content, including sound recordings, via its satellite digital audio radio service. Among the recipients of Sirius' service are business establishments that make public performances of Sirius' audio content on their premises. For its transmissions to these business establishments, Sirius intends to rely on the statutory exemption for public performance of sound recordings by means of digital audio transmission set forth in 17 U.S.C. § 114(d)(1)(C)(iv). Therefore, to the extent that Sirius makes ephemeral copies of sound recordings to facilitate such transmissions, it will be subject to the rates and terms set in the above-captioned proceeding and thus has a significant interest in the proceeding.

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