

**Before the  
LIBRARY OF CONGRESS  
Copyright Royalty Board**

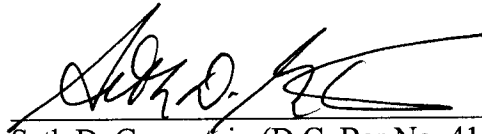
In the Matter of	)	
	)	
DIGITAL PERFORMANCE RIGHT IN	)	Docket No. 2005-5 CRB DTNSRA
SOUND RECORDINGS AND	)	
EPHEMERAL RECORDINGS FOR A	)	
NEW SUBSCRIPTION SERVICE	)	
	)	

**XM SATELLITE RADIO INC.'S  
MOTION TO SUBSTITUTE A CORRECT COPY OF ITS ELECTRONIC FILING**

XM Satellite Radio Inc. ("XM") submitted its direct case pursuant to Rule 351.4 of the Copyright Royalty Board, 37 C.F.R. § 351.4, on October 31, 2006. Per revised rule § 350.4, XM included one electronic copy of its direct case in PDF format. After filing, it was discovered that the electronic filing submitted to the Board did not match the hard copy as filed with the Board and served on the parties. The CD, submitted herewith, has been updated to reflect a true and correct copy of what was filed with the Board and served on the parties in electronic and hard copy format. The adjustments made are purely ministerial, as no substantive changes have been made to the filing. XM hereby moves the court to allow XM to file a substitute copy of its electronic filing. A correct copy of the CD is attached to this motion.

Date: November 2, 2006

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

I hereby certify that on November 2, 2006, XM Satellite Radio Inc.'s Motion to Substitute a Correct Copy of Its Electronic Filing was served on the List of Participants for Docket No. 2005-5 CRB DTNSRA as published by the Copyright Royalty Board via electronic mail by 5:00 pm, and by overnight delivery.

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