September 2009

Milbank

A monthly round-up of space industry developments for the information of our clients and friends.

Coface to Guarantee O3b Financing

O3b Networks, Ltd. (O3b) announced on September 7 that **Coface**, the French export credit agency, has agreed to provide longterm credit insurance to facilitate a proposed \$465m credit facility as part of a total \$525m debt package to be extended to O3b by a syndicate of banks. The credit facility is intended to finance a constellation of low-Earth orbit satellites being manufactured by **Thales Alenia Space**, each capable exceeding 10 Gbps of throughput to provide offer low-cost, low-latency backhaul services for cellular, fixed-line, and Internet service providers.

SkyTerra Acquired by Harbinger Capital On September 23, SkyTerra

Communications Inc. (SkyTerra) announced that it has entered into a definitive merger agreement with a new corporation that is indirectly wholly-owned by **Harbinger Capital Partners Master Fund I, Ltd.** and **Harbinger Capital Partners Special Situations Fund, L.P.** Under the terms of the transaction, the new corporation will pay \$5 in cash for each of SkyTerra's outstanding shares of common stock not held by Harbinger or its affiliates (which together hold 49% of the equity and 48% of the voting interests in SkyTerra). The merger transaction remains subject to shareholder and regulatory approvals.

DIRECTV & GeoEye Financings DIRECTV Holdings LLC, a wholly owned subsidiary of The DIRECTV Group, Inc., announced on September 14 the pricing of \$1b of 4³/₄% senior notes due 2014 and \$1b of 51/8% senior notes due 2019. The net proceeds of the offerings will be used for general corporate purposes and for the repurchase of its existing 83%% senior notes due 2013, for which the tender offer was completed on September 22. GeoEye, Inc. on September 23 priced its private placement of \$400m in aggregate principal amount of 95%% senior secured notes due 2015. The notes will be sold at 97.262% of face value, with an effective yield of $10\frac{1}{4}$ %. The net proceeds of the offering will be used to fund a tender offer to purchase its outstanding \$250m floating rate senior secured notes due 2012, and for general corporate purposes, including funding a portion of the costs of manufacturing a new high-resolution remote sensing satellite.

ILS Launches Nimiq 5 Satellite

International Launch Services, Inc. announced on September 18 the successful launch of the Nimiq 5 satellite for Telesat Canada from the Baikonur Cosmodrome on a Proton Breeze M launcher. The satellite, built by Space Systems/Loral based on its 1300 platform, is equipped with 32 high power Ku-band transponders designed to provide high definition and direct-to-home television services across the US and Canada from the 72.7°WL orbital location.

September Launch Orders

On September 3, Space Exploration Technologies Corporation (SpaceX) and **ORBCOMM Inc.** announced an agreement for the launch of 18 ORBCOMM Generation 2 (OG2) satellites using multiple Falcon 1e launchers. The satellites are scheduled to delivered into low Earth orbit between the fourth guarter of 2010 and the end of 2014 for the purpose of supporting ORBCOMM's existing constellation of satellites, adding new features and growing its global Machine-to-Machine and Automatic Identification System offerings. On September 8. SpaceX announced that it has been selected by Astrium, a wholly owned subsidiary of EADS, to launch an Earth observation satellite designed by Astrium or its recently acquired subsidiary, Surrey Satellite Technology, on a Falcon 1e launch vehicle. Eutelsat Communications and International Launch Services announced on September 7 that they have entered into an agreement for the launch of the W7 satellite (originally manifested for launch by Sea Launch) in mid-November 2009 using a Proton launcher. Built by Thales Alenia Space, W7 will be co-located with Eutelsat's W4 satellite at the 36°EL orbital location to provide digital broadcasting services to Russia and sub-Saharan Africa.

ViaSat to Acquire WildBlue Communications

ViaSat Inc. on September 30 announced that it has signed a definitive agreement to acquire privately-held *WildBlue Communications, Inc.* in a cash and stock transaction valued at \$568 million. The combination will allow for the accelerated growth and expansion of the WildBlue broadband service using ViaSat's next generation network technology, featuring the high-capacity *ViaSat-1* Ka-band satellite scheduled for launch in early 2011.

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