August 2009

### Milbank

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

## **DISH & SIRIUS XM Price Debt Offerings**

DISH Network Corporation announced on August 12 that its subsidiary, DISH DBS *Corporation*, priced an offering of \$1b aggregate principal amount of debt securities at an issue price of 97.467%. The debt securities will be issued as 7.875% senior notes due 2019, with the net proceeds to be used for general corporate purposes. On August 13, SIRIUS XM Radio announced that it priced an offering of \$257m of senior secured notes due 2015. The notes will bear interest at an annual rate of 9.75%. The price to investors will be 97.248% of the principal amount and the company will receive gross proceeds of approximately \$250m. The net proceeds of the sale, after deducting commissions and expenses, will be used by SIRIUS XM Radio to repay indebtedness incurred under its credit agreement with Liberty Media Corporation.

### August Launches

International Launch Services, Inc. (ILS) announced on August 12 the successful launch of the AsiaSat 5 satellite for Asia Satellite Telecommunications Co. Ltd. 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 26 C-band and 14 Ku-band transponders to provide advanced satellite services including television broadcast, voice, enterprise and VSAT network for broadband multimedia services across the Asia-Pacific region. AsiaSat 5 will replace the AsiaSat 2 satellite at the 100.5°EL orbital location. On August 21, Arianespace S.A. successfully launched. on an Ariane 5 ECA launcher, the JCSAT-12 satellite for SKY Perfect JSAT Corporation and the Optus D3 satellite for SingTel Optus, an Australian subsidiary of Singapore Telecommunications Ltd. Weighing nearly 4,000 kg at launch, JCSAT-12 was built by Lockheed Martin Commercial Space Systems and includes a payload of 30 Kuband and 12 C-band transponders to provide communications services to Japan, the Asia-Pacific region, Oceania and Hawaii. Optus D3. manufactured by Orbital Sciences *Corporation* based on its *STAR*<sup>™</sup> platform, is equipped with 32 Ku-band transponders and will provide fixed communications and direct television broadcasting services to Australia and New Zealand from the 156°EL orbital location.

### **GHL** Acquisition – Iridium Update

On August 17, *GHL Acquisition Corp.* (GHL Acquisition) and *Iridium Holdings LLC* (Iridium) announced that the *Federal Communications Commission* approved the companies' proposed combination transaction. Initially announced in September 2008, the deal is intended to advance Iridium's plans to build its *Iridium NEXT* generation satellite constellation and will result in Iridium becoming a publicly traded company. As part of the transaction, GHL Acquisition announced a warrant restructuring whereby it will repurchase or restructure approximately 26.8m warrants upon closing of the combination transaction.

# JSC ISS Selected For RSCC Satellites

On August 12, JSC "Academician M.F. Reshetnev" Information Satellite Systems (JSC ISS) and the Russian state satellite operator RSCC announced a contract for the delivery of the *Express-AM5* and *Express-AM6* satellites to be launched in 2012. The two spacecraft, to be built by JSC ISS jointly with the Russian Scientific Research Institute of Radio (NIIR) and Thales Alenia Space, are designed to provide telecommunications infrastructure and digital television and radio broadcasting services within the Russian Federation. Express-AM5 will include 30 C-, 40 Ku-, 12 Kaand 2 L-band transponders and will be located at the 140°EL orbital position, while Express-AM6 will be equipped with 14 C-, 44 Ku-, 12 Kaand 2 L-band transponders and will be located at the 53°EL orbital slot.

### Abu Dhabi Group Invests in Virgin Galactic

Virgin Galactic and Aabar Investments of Abu Dhabi have entered into a strategic partnership which involves Aabar investing \$280m for a 32% (approximate) stake in Virgin Galactic's holding company. Aabar has additionally committed \$100m to fund a small satellite launch capability for the commercial spaceliner. The transaction is subject to regulatory clearances in the US.

#### Intelsat Buys Amos-1 Satellite

On August 12, *Intelsat, Ltd.* announced the purchase of the *Amos-1* satellite from *Israel Aerospace Industries*. Intelsat will rename the satellite *Intelsat 24* and move it to an orbital location over the Indian Ocean as part of a specific contract. Amos-1 is currently in inclined orbit and has been operated by *Spacecom* of Israel at the 4°WL orbital slot since May 1996.

BEIJING FRANKFURT HONG KONG LONDON LOS ANGELES MUNICH NEW YORK SINGAPORE TOKYO WASHINGTON DC

space Business Review

To learn about Milbank's Space Business Practice, or view previous issues of the Space Business Review, please visit www.milbank.com. The information contained herein is provided for informational purposes only and should not be construed as legal advice on any subject matter. Recipients of this publication should not take or refrain from taking any action based upon content included herein. If you do not wish to receive this newsletter, please send an e-mail to MilbankSBG@milbank.com with the word "unsubscribe" in the subject line. ATTORNEY ADVERTISING. Prior results do not guarantee similar results. © 2009 - Milbank, Tweed, Hadley & McCloy LLP.

Milbank Space Smart<sup>®</sup>