Milbank January 2013

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

## U.S. Satellite Export Reform Underway

The enactment on January 3 of the **2013 U.S. National Defense Authorization Act** will begin the process of easing export licensing requirements applicable to U.S.-source satellites and components by shifting export jurisdiction, in most cases, from the **U.S. Dept. of State** ITAR munitions control regulations to the more streamlined licensing process administered by the **Dept. of Commerce.** Export of related technical data exchanges currently licensed under Technical Assistance Agreements is likely to remain subject to the ITAR, and export prohibitions to embargoed countries, such as China, Iran, North Korea and Sudan, will remain in place.

#### \$87.1m Ex-Im Loan Guarantee for Hispasat

On January 18, the *Export-Import Bank of the United States* authorized an \$87.1m loan guarantee for *Hispasat Canarias S.L.U.*, a subsidiary of *Hispasat S.A.*, to finance the procurement of the *Amazonas-4A* telecommunications satellite from *Orbital Sciences Corporation*. Scheduled for launch in 2014, Amazonas-4A will carry 24 Ku-band transponders and will provide voice, wireless backhaul, internet and media applications services to South America from 61° W.

# **ORBCOMM Concludes \$45m Debt Financing**

On January 7, *ORBCOMM Inc.* (ORBCOMM) announced that it concluded a 5-year term loan in the principal amount of \$45m from *AIG Asset Management (U.S.), LLC* at a fixed annual interest rate of 9.5%, payable quarterly, for the life of the loan. ORBCOMM plans to use the financing proceeds to repay existing debt, to facilitate growth, including the development of new services and product offerings, and to pursue acquisitions into key vertical markets.

### Liberty Assumes Control of Sirius XM

On January 18, a U.S. Securities and Exchange Commission filing revealed that *Liberty Media Corp.* (Liberty) has acquired majority ownership of *Sirius XM Radio Inc.* (Sirius XM) through the purchase of 50m additional shares of Sirius XM stock at an average price of \$3.15 per share. Liberty now owns approximately 1.9b shares of Sirius XM's common stock and 1.29b shares of Sirius XM's preferred stock, amounting to control of roughly 50.7% of Sirius XM's outstanding common stock.

2013 - Milbank, Tweed, Hadley & McCloy LLP.

# ISRO Announces 5-Year Growth Strategy

With the Indian government having allocated \$7.2b to space activities as part of a 5-year government investment program, the *Indian Space Research Organisation* (ISRO) has announced plans to undertake significant activities to further develop India's space capabilities. Specifically, ISRO plans to increase its on-orbit transponders from 195 to 400 by launching 14 telecommunications satellites between now and March 2017, to deploy a 7-satellite navigation system with continuous coverage of the Indian Ocean region and to develop a launch vehicle for the launch of large communications satellites.

# **Eutelsat to Deploy Advanced Capabilities**

On January 15, *Eutelsat Communications S.A.* (Eutelsat) announced that the *EUTELSAT 8 West B* satellite, scheduled for launch in 2015, will feature a new generation of advanced, experimental capabilities developed by *Thales Alenia Space*, the *European Space Agency* and *CNES* to mitigate the effects of interference, increase the number of active channels and expand options for satellite repositioning.

#### **January Satellite Orders**

On January 19, *EADS Astrium* (Astrium), *Thales Alenia Space* (Thales) and *Arianespace S.A.* (Arianespace) announced a turnkey agreement for the manufacture and launch of the *Badr 7* (*Arabsat-6B*) satellite, the first 6<sup>th</sup> generation satellite for *Arab Satellite Communications Organization*. Astrium will manufacture the satellite based on its *Eurostar E3000* platform, while Thales will supply the satellite's payload and Arianespace will launch the satellite. Badr 7 will provide telecommunications and TV broadcasting services to customers in the Middle East and Africa from 26° E.

### **January Launch Services Orders**

On January 28, **Space Communication Ltd.** (Spacecom) and **Space Exploration Technologies Corp.** (SpaceX) announced an agreement for the launch of Spacecom's **AMOS-6** satellite on a **Falcon 9** launch vehicle from Cape Canaveral, Florida in 2015. AMOS-6 will be manufactured by **Israel Aerospace Industries Ltd.** and will provide communication services, including direct satellite-to-home internet, to users in Africa, the Middle East and Europe.

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