

From: George Howell
To: Microsoft ATR
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Subject: Microsoft Settlement

The proposed settlement is a farce. A company has been found to be a monopoly, and one that abuses the situation. The proposed settlement will strengthen the monopoly, and allow further abuse of the power. In addition, the marginal cost to Microsoft to implement this remedy are essentially zero.

A far more rational plan is that suggested by Bob Young of Red Hat Inc, wherein Microsoft pays for hardware, and the software is provided by a free software vendor.

A third potential, and one that I advocate is to modify the current proposal to have some real teeth. First, Microsoft should have to provide cash and/or staff members in dollar amounts annually to equal the retail price of the software it is donating. Many studies indicate that post sale support is the largest factor in computer purchases. Saddling schools with machines and no support is worse than doing nothing. Money better spent on books, etc. will be directed to computer support. Let Microsoft pay for on site personnel. This makes the computers of more use to the schools, and also imposes true monetary penalties for their actions.

Second, this must not be a one-time deal. The computers and software must be replaced on a three year schedule (common in all industries with computer equipment) and the support staff must be on site for the entire three year period.

Finally, to avoid this being simply a three year slap on the wrist, the upgrade cycle should be financed by Microsoft indefinitely. When they cease to support this program, they should be required to develop a new remedy. In other words, this only buys them time. In addition, the amount should be adjusted by the rate of inflation as determined by the GAO or some other independent body.

This proposal will not eliminate the monopoly; it is unlikely that anything will. On the other hand, it will force Microsoft to pay for the pleasure. Also, some might view this as too harsh, being indefinite in nature. The money illegally earned by Microsoft will compound year after year unless there is a monetary penalty sufficient to eliminate their advantage. This plan modification that I suggest would make sure that Microsoft would not be able to take advantage of investments made with illegally gotten wealth. The only other possibility to prevent this is to impose massive cash payments to the respective governments and other plaintiffs.

Thank you for your time and consideration.

-George Howell
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