From: Peter Hollings
To: Microsoft ATR
Date: 1/28/02 12:27am
Subject: Microsoft Settlement

I hold an advanced degree from the Sloan School of Management, Massachusetts Institute of Technology in the areas of information technology and finance. I have over 30 years experience in these fields, during which I have developed a deep understanding of the processes of competition and innovation in the computer software industry. I first became aware of Microsoft around 1982 and have been a constant observer of that company's business practices over the succeeding years. My purpose in writing is to express my opposition to the proposed settlement that has been reached by the US Department of Justice and Microsoft concerning their antitrust suit. Not being trained in the formalities of the legal profession, I am writing nevertheless in the hopes that you will take notice of my objections as an American citizen, affected by this settlement, and despite their probable formal incorrectness. I make this expression on my personal behalf, although I firmly believe it also reflects the interests of the businesses that I have presently or formerly been associated with in either employment or consulting roles. I firmly believe and respectfully request that the Court consider:

1. That as a past and potential future purchaser of Microsoft products, and as user of computing systems generally, that no aspect of the proposed settlement is in my interest.

2. That I firmly believe that approval by the Court of the proposed settlement would be bad for consumers, bad for business, bad for innovation, bad for the beneficial functioning of market economics, bad for constitutional rights, such as privacy and security, and it would materially and adversely impair the public's perception of government integrity.

3. I state my belief that the proposed settlement is so thoroughly flawed in every aspect that I respectfully request that the Court reject it from further consideration.

4. I respectfully request that the court give full consideration to the filing by the American Antitrust Institute captioned as COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF. This complaint sets forth numerous instances in which both the DOJ and Microsoft have failed to comply with specific disclosure requirements of the Antitrust Procedures and Penalties Act ("Tunney Act"). Most importantly are the failure of the DOJ to provide an accounting of how the settlement reached is in the public interest and the failure of Microsoft to fully identify its contacts with the government relative to the settlement. I will note here that the public press includes numerous articles relative to Microsoft's lobbying activities relevant to the antitrust settlement decision, none of which were included as required in Microsoft's report in compliance of the reporting requirement. This combination of circumstances gives the appearance that the public institutions of the American people are being manipulated against their interests and in a concealed way.

5. I respectfully request that the Court give full consideration to these circumstances identified above and fully investigate and correct any improprieties in the functioning of our government in the interest of preserving the American people's confidence in both the Executive and Judicial branches of our government. The proposed settlement is such an egregiously bad agreement and so contrary to the public interest that I cannot conceive that it was honestly arrived at.

Thank you,

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