

From: Rob Pegoraro
To: Microsoft ATR
Date: 1/28/02 2:17am
Subject: Microsoft settlement

I oppose the proposed settlement for the reasons set out in the article below, which I wrote for the Washington Post in early November. Although I wrote it on my employer's time and money, it does not necessarily represent the Post's views on this matter. I can, however, attest that it accords with the opinions of a great many readers, if my own e-mail is any evidence.

Sincerely,

Rob Pegoraro

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From: <http://www.washingtonpost.com/ac2/wp-dyn/A22-2001Nov8?language=printer>

By Rob Pegoraro

Friday, November 9, 2001; Page E01

What are we going to do about Microsoft?

The government has been fretting over this question for the past decade. So far, it has compiled an impressive record of the things Microsoft has done wrong in the past.

Unfortunately, it always seems to find out about these abuses after the damage has been done. And it has yet to effectively address what Microsoft might do in the future.

The proposed settlement between the Department of Justice and Microsoft announced last week continues this embarrassing tradition.

It's not just that this slim document fails to mandate any punishment for breaking the law (the next time I get a speeding ticket, can I negotiate this kind of arrangement, too?), or that its numerous "nothing in this section shall prohibit" clauses appear to vacate most of its provisions. The real problem is that it focuses so much on the individual PC desktop, when Microsoft is moving on to other battles.

This settlement spends much of its time trying to carve out space for PC manufacturers to add non-Microsoft "middleware" to run a broader set of applications. This would have been a laudable goal half a decade ago, when PC vendors aggressively experimented with their own front ends for Windows.

As the court case thoroughly documented, Microsoft didn't like this creativity one bit and quickly quashed the manufacturers' dissent.

In response, the proposed settlement's first prescription begins with the phrase "Microsoft shall not retaliate" and goes on to stipulate how Microsoft must treat all its licensees equally and fairly. The hope is that this government-mandated liberty will encourage PC builders to offer choices outside the Microsoft way.

"I think it's going to help," said Daniel Morales, a vice president with MandrakeSoft, a Linux distributor in Pasadena, Calif. But he warned: "There's a lot of details that are very slanted towards Microsoft."

None of the manufacturers I contacted wanted to speak, on or off the record, about any of their plans once the settlement goes into effect. Most didn't want to comment about the settlement at all. It's remarkable how many different reasons these companies offered for not talking about the biggest issue in the industry in a decade.

But neither the manufacturers' sudden case of laryngitis nor any subsequent failure to offer new choices to consumers should surprise anybody. In the bruised, battered PC business, there's nothing to be gained by alienating your biggest supplier. The agreement can't repeal this law of human relations.

"In the real world, there are ways to express displeasure without violating that agreement," said Dan Kusnetzky, vice president for systems software research at IDC, a leading industry analysis firm.

And Microsoft often doesn't appear to understand that the phrase "abuse of monopoly power" isn't a compliment. It continues to push its Passport user-ID system on customers in the hope of turning this scheme into an Internet-age Social Security number -- I've had to enter my Passport login just to download a software update. Windows XP relentlessly promotes Microsoft's own software, services, formats and marketing partners. Just weeks ago, the company locked non-Microsoft browsers out of its MSN.com site.

The proposed agreement's more promising terms apply not to computer manufacturers but to independent software developers. The deal would require Microsoft to document all its applications programming interfaces, or APIs -- the ways programs work with Windows itself --

as well as some of its networking protocols.

That's a fine start. But the agreement fails to tackle Microsoft's other big leverage point -- its proprietary file formats.

"The reason I can't walk into an organization and say 'I'm going to use my Linux box' is that people will send me Word documents that I can't read," said Jeremy Allison, co-author of the Samba cross-platform networking program.

The Microsoft Office formats are the classic case of this lock-in. Developers of competing word processors and spreadsheets have little choice but to make sure their products can read and write these proprietary formats.

"We don't get any help from Microsoft," said Iyer Venkatesan, Sun Microsystems' product manager for the StarOffice productivity suite. Some documentation is available, but it's "incomplete and full of errors and inconsistencies," e-mailed Shaheed Haque, a developer of the KOffice suite for Linux.

Sun would like to see Microsoft's formats turned into open, published standards. Allison would like to see the same thing done for all of Microsoft's communications protocols, beyond the settlement's limited requirements. With open access to the Windows APIs as well, said Kusnetzky of IDC, "it would make it much easier to create an collaborative environment."

There's a model for this sort of requirement -- telephone and electric utilities, which developed into monopolies and now are required to open their facilities to competitors.

But the Microsoft agreement doesn't follow this particular logic. It still could -- should -- be amended. But what if it isn't?

Microsoft is an odd company to contemplate. It employs a lot of smart people and can produce software of amazing quality. But it also has repeatedly broken the law and shows few signs of having learned its lesson.

If you don't want Microsoft's way to be the only way, there are things to consider.

Does the need to work with the same files as your Windows-using colleagues mean you need to use Microsoft applications, too? Does it even require you to run Windows itself? Are there better choices in Internet access than Microsoft's MSN? Even if Microsoft prods you into signing up for a Passport account, do you actually need to use it?

In other words: What are you going to do about Microsoft?

Living with technology, or trying to? E-mail Rob Pegoraro at rob@twp.com.

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Rob Pegoraro | _____
| 703/812-4862 2400 Clarendon Blvd., #214
| rob@pegoraro.net Arlington, VA 22201