

From: triem@isd.net@inetgw
To: Microsoft ATR
Date: 1/28/02 11:34am
Subject: Microsoft Settlement

Dear Sir or Madame,

I am a consultant working in the Intelligent Transportation Systems area of Transportation Planning. As such, I frequently make recommendations to clients of all types, public and private, about software acquisition and use.

This experience has given me a great deal of exposure to software vendors (particularly Microsoft) and to the various methods they employ in marketing their products and competing with other producers. I also have a background in economics (B.A. University of Minnesota) and am a certified planner (AICP).

My concerns stem from the continuing trend of Microsoft's alterations to licensing policies and the fact that often times no additional value is offered to the consumer, even though a greater revenue stream is generated for Microsoft. This, coupled with a practice of intentionally making newer versions of products incompatible with previous versions, causes a situation of "forced" upgrades for consumers. This is particularly troubling for small public entities, such as para-transit providers, whose mission is to provide mobility to handicapped persons, often on very limited budgets.

This is relevant to the settlement at hand for two reasons:

1) The Settlement does not address the separation of applications from operating systems in any meaningful way. Thus Microsoft is able to build in version incompatibilities and tie them to the operating system itself. In the transportation community, we have a joke: "If Microsoft made cars, every time you changed your tires you'd have to build all new roads." Although exaggerated, this illustrates the point of a monopolist manipulating product to "force" secondary purchases.

2) The Settlement does not address past harm. Under the current proposal, a three-person oversight team would be established to assure that Microsoft does not further abuse monopolist power. Although debate can be had on whether this mechanism would even be effective in that role, my concern is more that there is no provision for punitive action against Microsoft or compensation to those harmed by the abuse. An analogy would be a person convicted of bank robbery and simply assigning them a parole officer to assure that they didn't rob the same bank again.

For these reasons, I believe that the proposed Settlement is not in the best interests of the public and should not be agreed to.

Thank you for your consideration in this matter,

-Mark R. Gallagher, AICP

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