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Paper: HOUSTON CHRONICLE

Date: THU 04/21/2005

Section: Business

Page: 3

Edition: 2 STAR

THE FALL OF ENRON / Workers joked about 'pixie dust' / Ex-Broadband employee said demo was faked

By MARY FLOOD

Staff

Jurors in the latest Enron trial heard Wednesday from a former employee who said the company's Internet division lied about its software's capabilities in a news release, a brochure and a live demonstration to a prospective customer.

Regarding the allegedly false news release, the Chronicle did NOT report that Ms. Meyer had no knowledge of the technical vetting process for the releases, that she did not raise the issue of the releases being lies with senior management, and that the company put them on the company Web site and made no attempts to hide them from employees who would have known the technical truth of the matters discussed.

TRIAL TRANSCRIPT:

Page 750:

18 Q. And you don't have a clue, really, about the process that
19 was used to prepare the press releases at ECI.

20 A. Haven't a clue is kind of tough, but I wasn't aware of how
21 they generated press releases, no.

22 Q. Well, you didn't know whether the press release language
23 that you looked at had, in fact, been reviewed or approved by
24 other technical personnel aside from you yourself?

25 A. No, I would not know the process they went through for

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1 approval.

2 Q. And you don't have any firsthand knowledge of what
3 Mr. Hirko may have been told about the accuracy of those press
4 releases at the time they were issued?

5 A. No, I'm not aware of that.

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8 Q. Now, one other thing about these press releases. Am I
9 correct that you did not personally make any complaints to
10 Mr. Hirko about any inaccuracies in these press releases that
11 you observed at the time?

12 A. The press releases that we just referred to in April?

13 Q. Yes.

14 A. I had just started the company.

15 Q. And even the press release that we referred to later on or
16 that you referred to later on with Mr. Stricklin from 2000, you
17 didn't specifically raise that press release with Mr. Hirko,
18 did you?

19 A. No, I did not raise that issue with Mr. Hirko. I did
20 speak with John Bloomer, my BOS, about what was going on.

21 Q. But you don't know whether Mr. Bloomer ever spoke to
22 Mr. Hirko about that, do you?

23 A. I won't claim any knowledge of their conversation.

24 Q. And you didn't speak personally with Mr. Yeager or
25 Mr. Shelby about any of these press releases, either, did you?

Page 760

1 A. No.

Page 760:

2 Q. Okay. One other thing. These press releases that were
3 issued by the company, you said that they were available on the
4 website; correct?

5 A. Yes.

6 Q. Nobody was trying to hide these press releases from
7 company employees like yourself, were they?

8 A. When they went public, no. They were available when they
9 ran out publicly, not before.

10 Q. But when they were made available publicly, the company
11 didn't try to send them off to a newswire service and not let
12 the employees in the company see them?

13 A. No, they didn't hide them.

Regarding the allegedly false brochure, the Chronicle did NOT report that Ms. Meyer misunderstood the term "will" as meaning "already done," another of the prosecution myths that the Chronicle routinely perpetuated.

Page 775:

1 Q. Well, it says, "These killer applications, together with
2 our own ePowered applications will yet again advance the way we
3 communicate and conduct business in the future." Does that not
4 suggest that both the current applications under development
5 and the applications that are going to be developed in the
6 future will run on this network in the future?

7 A. It states that there will be, just to read what it said
8 again, "an enabling technology in which a whole new generation

9 of 'killer' applications will run." What killer applications
10 that is, I can't resume to know, but I would assume there would
11 be some product development. And then "These killer
12 applications, together with the ePowered application services,"
13 basically, it's saying that ePowered application services are
14 already there and, combined with whatever new applications
15 outside of the ePowered applications, will run on this network.
16 Q. What is the word that appears immediately after the term
17 "ePowered applications"?

18 A. "ePowered application services will yet again."
19 Q. "Will yet again run;" correct?
20 A. But that's predeceased on when there is killer
21 applications, not if there's ePowered applications. That's how
22 I read that sentence.
23 Q. All right. It certainly reads that it doesn't suggest
24 that everything is done, does it?
25 A. It suggests that there is a network, that there is
Page 776
1 ePowered applications, and that there will be an ability for
2 other people to develop applications for that network.
3 Q. In the future?
4 A. Yes.

In fact, Ms. Meyer continued to have difficulty with the word will:

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7 A. I don't know that it actually relates to future. I mean,
8 so, if I take that into kind of context, you know, as you read
9 it, and this is semantics, so, you know, if I'm being nitpicky,
10 just tell me.
11 Where it talks about the Enron Intelligent Network
12 will finally deliver -- will finally deliver network to match
13 power to desktop, that could be, you know, that it hasn't ever
14 been delivered and it's finally coming. So it will finally do
15 it. It's not so much "will." It's "it does," because it never
16 did before.
17 Q. Well, and I would agree if you use the word "it's finally
18 coming." Something that's coming isn't here, it's coming;
19 correct?
20 A. But it says, "will finally." So, in this synonym for
21 "will," it finally, it will finally.
22 Q. Well, I don't know what synonym for "will" there is
23 that --
24 A. Yeah, I mean, to me, it indicates that the Enron Network,

25 you know, will finally deliver something that no one else does,
Page 778

1 which means it can actually do it.

2 Q. So you think the use of the word "will" there is

3 indicating present tense?

4 A. Yes.

04/21/2005 Chronicle story, contd.:

Shawna Meyer, who worked as a systems engineer in the Enron Broadband Services division for a year, said the software intended to make Enron's Internet network "intelligent" was dubbed the "secret sauce" and "pixie dust" by insiders who joked: "You sprinkle it around the network ... and it would solve all the problems we had."

The Chronicle did NOT report that during cross-examination, Ms. Meyer admitted there were multiple definitions of "intelligent".

TRIAL TRANSCRIPT:

Page 706:

13 Q. Now, you talked a lot on your direct examination about

14 the term "intelligence."

15 Do you recall that?

16 A. Yes.

17 Q. And the term "intelligence" is not a term that I can look

18 up in a standard network engineering kind of a textbook, is

19 it?

20 A. No.

21 Q. In fact, it's the kind of term that doesn't have a

22 standard definition in the industry, does it?

23 A. No.

24 Q. It's essentially a marketing term, isn't it?

25 A. Yes. It was a marketing term that was defined by Enron

Page 707

1 in the press releases.

2 Q. And so, it really meant whatever Enron meant it to mean

3 in those press releases, correct?

4 A. Yes.

04/21/2005 Chronicle story, contd.:

She said the software, called InterAgent, was not imbedded on Enron's network as Enron claimed and could not fix the network problems like it was supposed to. Meyer said she and others called assurances to outsiders that the software would work in the future the "InterAgent dance."

"It was like that little frog with the hat and cane," said Meyer, who lives in San Jose, Calif., but worked for Enron in Portland, Ore., in 1999 and 2000.

The Chronicle did NOT report that during cross-examination, Ms. Meyer testified she didn't have personal knowledge whether or not InterAgent had been installed, but agreed that it might have been.

Page 743

24 Q. But I take it that you don't know all the details of
25 precisely how that software functioned, Media Transport?

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1 A. No, I wouldn't claim to know that.

2 Q. And there are other people within the company who would
3 have greater detailed information on that subject; correct?

4 A. Yes, there are other individuals that I worked with that
5 worked on that product. I worked with the systems engineers,
6 Ryan Dripps, who worked on that, who worked with the InterAgent
7 team.

8 Q. And there was an InterAgent team, wasn't there?

9 A. Yes, that was the Modular software group that was down
10 here in Houston.

11 Q. And that Modular software group down in Houston would have
12 greater or more detailed information on how InterAgent
13 functioned within Media Transport than you would?

14 A. Yes.

15 Q. Now, you indicated that -- well, the software that was
16 used within the company, like Media Cast or Media Transport,
17 would be loaded on servers; is that correct?

18 A. Yes.

Page 745

5 And there were some servers that were used in some
6 Beta testing programs of the Media Transport product; correct?

7 A. Yes.

8 Q. And those servers would be loaded with the Media Transport
9 software; correct?

10 A. Yes.

11 Q. And to the extent that InterAgent was incorporated with
12 the Media Transport, it would be loaded on those servers as

13 well; correct?

14 A. If it was with the Media Transport product, yes.

Nor did the Chronicle report that the software she personally worked on, Media Cast, did not require InterAgent.

Page 745

15 Q. All right. Now, you indicated, you talked a little bit

16 about InterAgent not being loaded on the Media Cast servers. I

17 take it that the absence of InterAgent from Media Cast as a

18 software program didn't stop Media Cast from being able to do

19 what it was designed to do, did it?

20 A. I'm trying to figure out how to answer that because I

21 don't know whether I follow exactly what you're asking me.

22 Q. Well, let me try it again. Media Cast was a service that

23 was designed to stream video over the distributor server

24 architecture in the network; correct?

25 A. Yes.

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1 Q. And it had a specific code that was designed to do

2 specific things; correct?

3 A. Yes, it was using their own network software to stream

4 video.

5 Q. And the fact that it didn't include InterAgent didn't stop

6 it from performing the tasks that it was designed to do, did

7 it?

8 A. No, it did not.

And the Chronicle did NOT report that Meyer testified she was not aware that the company's plan all along had been to develop and implement the software in phases, as is common throughout the high-tech industry.

TRIAL TRANSCRIPT

Page 721:

14 Q. Now, the third element of this plan was to develop

15 software that would help make this network work together in a

16 way that would allow for the distribution of content in a more

17 effective way than the Internet, correct?

18 A. Yes.

19 Q. Now, were you aware that the company planned to implement
20 this plan in phases?

21 A. No.

22 Q. Is it common in the high-tech industry to implement
23 things in phases?

24 A. Yes.

25 Q. You come out with a first version of a product, then a

Page 722

1 second version that's better, then a third version that's
2 better?

3 A. Yes.

4 Q. In fact, with Media Cast, there was a first version of
5 Media Cast, then a second version, and then they continued to
6 work on other versions?

7 A. Yes.

8 Q. And on the network side in this company, are you aware
9 that the company planned to start by having a leased fiber
10 network and then constructing its own fiber network and then
11 eventually transferring traffic to that fiber network?

12 A. I didn't work on the network, so I wouldn't be able to
13 answer that.

14 Q. You didn't know what was going on with the way it was
15 being built out?

16 A. No. That was not my area of expertise.

17 Q. On the software side, were you aware that the company
18 planned to start by deploying services like Media Cast and
19 Media Transport to jump start the business, to get interest in
20 this kind of video streaming model that they were trying to
21 develop?

22 A. I was aware they were working to implement Media Cast and
23 Media Transport.

24 Q. And were you aware that the plan was to eventually build
25 on those capabilities and make them available to third parties

Page 723

1 through application programming interfaces?

2 A. Could you repeat that again?

3 Q. Sure. Were you aware that the plan at the time was to
4 take these basic capabilities like Media Cast and Media
5 Transport, build them into an overall operating system that
6 could be accessed by third parties, other companies who are
7 developing software through application programming
8 interfaces?

9 A. I'm vaguely aware of that, but I couldn't give you any
10 details related to that.

04/21/2005 Chronicle story, contd.:

Meyer, who testified all day, said she was attracted to Enron in March 1999 because of what it wanted to do with the Internet. She said she resigned a year later because she found some people there unethical.

She said she told then-EBS co-CEO Joe Hirko, one of the defendants in the case, about her ethical concerns. He said he "could see how she felt that way" and asked her to stay.

The Chronicle did NOT report that Meyer testified she loved working there, or that she was shown on videotape expressing her gushing enthusiasm for the great work she was doing:

TRIAL TRANSCRIPT

Page 702:

24 BY MR. RAMFJORD:

25 Q. Did you, in fact, love to work at the company at that

Page 703

1 time?

2 A. I loved to work on the technology that I was doing at

3 Enron, yes.

4 Q. Did you, in fact, believe that you were six months to a
5 year ahead of the competition as you said in that statement?

6 A. Yes.

7 Q. And did you, in fact, believe that you had come an
8 amazingly long way between March to the time you gave this
9 interview in terms of the technology?

10 A. Yes. We actually had something that was working;
11 whereas, in March there was nothing that was working.

12 Q. I would like to show you a second clip from that
13 interview.

14 (Playing video.)

15 BY MR. RAMFJORD:

16 Q. Again, you loved what you were doing?

17 A. Yes. I was working on the Media Cast technology, and I
18 enjoyed working with the engineers and what I was doing.

19 Q. You believed that you were going to change the way things
20 were done?

21 A. Yes. We had completed the satellite uplink for Media
22 Cast and so that was the first time any streaming video had
23 been done over satellite.

Page 704

1 BY MR. RAMFJORD:

2 Q. You said there that people here are really driven to do
3 the right thing.

4 Did you believe that at the time?

5 A. I believe that the engineers that I worked with were
6 driven to do the right thing.

7 Q. You didn't confine your answer there to the engineers,
8 did you?

9 A. Yes, I did. If you look back -- if you rewind it, it
10 says the people I work with on the Media Cast product and the
11 engineers that I work with do the right thing.

12 Q. You said in that statement that you believe that they are
13 trying to move all of the products forward, correct?

14 A. Yes.

15 Q. That was true at the time?

16 A. Yes. There were the engineering steering committees
17 where we were doing product reviews, assessing the risk, and
18 trying to correct the problems.

Nor did the Chronicle report that the unethical behavior that troubled Ms. Meyer was a collection of rumors about upper management people having access to buying stock from companies doing business with EBS, access known as "Friends and Family," that the general public did not have.

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20 Q. (BY MR. TOMKO) What made you feel that unethical behavior
21 was going on?

22 A. What specifically made me feel that there was unethical --

23 Q. Yes, ma'am.

24 A. The deals that were being -- there were conversations
25 about the deals that were being struck with the Sycamore people

Page 869

1 getting private early offerings of the companies that Enron was
2 doing large business with for their own personal profit and
3 gain.

4 Q. Let me talk about that for a minute. You're saying that
5 what troubled you was that people who worked for Enron, where
6 Enron was doing deals with a third party company, the people

7 Enron were getting profits or stock from the company with which
8 Enron was doing business?

9 A. They were getting Friends and Family --

10 Q. Okay. Did Mr. Shelby --

11 THE COURT: Stop, stop, stop.

12 MR. TOMKO: I'm sorry, Your Honor.

13 THE COURT: Stop. Can she finish answering her
14 question?

15 They were getting what? Ma'am?

16 THE WITNESS: I'm sorry, Friends and Family

17 opportunities with new companies that were getting ready to go
18 public.

19 Q. (BY MR. TOMKO) What's a Friend and Family opportunity?

20 A. You are allowed to purchase stock at a preset price prior
21 to its initial public offering.

22 Q. And it's not in your own name, it's in someone else's

23 name?

24 A. I don't know. I'm not a huge trader.

25 Q. Why do they call it Friends and Family?

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1 A. I can't tell you about how trading works.

2 Q. Did Mr. Shelby get any Friends and Family?

3 A. I can't say who --

4 Q. How about, Mr. Hirko?

5 A. I could only speculate.

6 Q. How about Mr. Yeager?

7 A. I can only speculate.

8 Q. Who do you know that did get Friends and Family?

9 A. I just know rumors they received Friends and Family. I
10 cannot substantiate those rumors.

04/21/2005 Chronicle story, contd.:

Meyer said she was present, with defendant Rex Shelby and ex-CEO Jeff Skilling, for a deceptive demonstration in Houston in December 1999. Employees, she said, fooled a customer - a division of NBC - into thinking Enron was demonstrating the capabilities of the entire Enron network when, instead, they were showing a tiny, easy-to-manage local network there in that small room.

Meyer said she didn't speak up to clue in the folks from NBC because she assumed that would be a "career-limiting move for me."

Similarly, on questioning from defense attorneys, she admitted she made a very positive video for Enron a few months before she quit because she was asked to do so by her boss and wanted to keep her job.

The Chronicle did NOT report that Meyer testified in cross that she told the truth on the videotape.

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9 A. Sorry. It's not easy to say no to your boss when they ask
10 you to do something.

11 Q. (BY MR. CANALES) Did anybody tell you to lie?

12 A. I did not lie.

13 Q. All right. Did anybody tell you to conceal anything?

14 A. They asked me specific things about Media Cast. I
15 answered those questions.

16 Q. Did the FBI ask you -- by the way, when they showed you
17 this film, the video, did they ask you to comment on it?

18 A. Did they ask me to comment on it?

19 Q. Yeah.

20 A. Not really.

21 Q. Well, this video which we have seen here, would you agree
22 that's a pretty positive video?

23 A. I'm a pretty positive person, I like to think.

04/21/2005 Chronicle story, contd.:

Meyer said the few successes her group had were with a streaming video technology purchased from another business and used as well by some of Enron's competitors.

The Chronicle perpetuates one of the prosecution's erroneous contentions here, that EBS's software was not all built in-house, and so that is somehow fraudulent. Ms. Meyer twisted and turned to avoid admitting that indeed EBS's version of the Real Networks software was customized for EBS.

Page 746

9 Q. Okay. Now, you talked a little bit about this notion that
10 Media Cast was a Real software product. Are you familiar with
11 the contractual arrangements between ECI on the one hand and
12 Real on the other hand relating to the design of this software?

13 A. Are you asking me if I saw the contract myself?

14 Q. Yes.

15 A. No.

16 Q. And you didn't participate in negotiating that contract?

17 A. That was done prior to my employment at Enron.

18 Q. Okay. And you are not familiar, from having other people
19 tell you about this contract, what the terms of the contract
20 were, are you?

21 A. I couldn't claim very good knowledge on that. I was
22 familiar that there was a contract that Real was to provide us
23 with software and there was some business arrangement. But
24 details, I would be -- it's out of my league.

25 Q. But are you aware of the fact that Real agreed, pursuant

Page 747

1 to this contract, to provide custom software for ECI?

2 MR. STRICKLIN: Excuse me, Your Honor, I object to
3 that question. She said she was not aware.

4 THE COURT: Objection sustained.

5 Q. (BY MR. RAMFJORD) Other than your actual awareness of the
6 terms of the contract, did you hear from others or did you have
7 an understanding at the time that the software used in the
8 Media Cast product was custom software designed Real for ECI?

9 A. I was aware that Real Networks was to provide software to
10 Enron Communications. To the custom nature of what that
11 software delivery was, I couldn't speak to that. I know that
12 they were to provide us with the Real Network server, a
13 continent location and a logging software. That's it. That's
14 all I know.

15 Q. And you didn't see the specifications that were done Real
16 to provide this software?

17 A. I don't recall anything.

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9 Q. Well, could you go down to Comp USA and buy the software?

10 A. They don't sell Real Networks GT server at Comp USA. They
11 sell it through a end user, you know, through a sales rep that
12 deals directly with them. So, no, you could not go to Comp
13 USA, but you couldn't buy any Real Networks from Comp USA.

14 Q. And to the extent this software was customized, you
15 couldn't just buy it in office shelf, shrink-wrapped package
16 from Real without having the custom work done?

17 A. I can't attest to that. I know you can buy Real Networks'
18 GT server, which is what we use for the Solaris operating
19 system. You can buy it for Lenox and you could buy it for
20 Windows. So it was a salable product to the public through
21 their distribution models that they sold. And do all products

22 actually have memory leaks? Yeah, Microsoft is notorious for
23 sending out software that doesn't, you know, quite work a
24 hundred percent right away. And users find the problem and
25 then they fix it, just like Real fixed it.

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5 Q. Solaris, Lenox and Windows. Was it available for Solaris
6 publicly at the time you first acquired it? Do you know that?

7 A. I can't say for certain. You're asking for a definitive
8 answer. I know that you can buy Solaris.

9 Q. And do you have any knowledge of whether that -- you don't
10 have any knowledge of whether that came about after the fact
11 because Real developed it, a Solaris version for Enron?

12 A. That would be based on a contract that I haven't seen.

The Chronicle, in saying there were "few successes her group had" misreports the testimony.

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12 THE COURT: All right. That's good enough.

13 Defendant's JH1789 is admitted.

14 Q. (BY MR. RAMFJORD) As I said, this is an e-mail from John
15 Bloomer, it is captioned "To: SWAT Team" and other people,
16 captioned "Celebrate!" with an explanation point, and it's
17 dated January 21, 2000, the day after the Analyst Conference;
18 correct?

19 A. Yes, at 6:10 a.m., he was up early.

20 Q. Maybe he was excited.

21 "Well," it says, "you've all seen what the EBS team
22 helped did" -- I guess he was really excited -- "for Enron's
23 valuation in the market yesterday. I personally want to thank
24 you for your participation in the SWAT Team and Product
25 Development process. It's working," he says. Do you see that?

Page 767

1 A. He's saying that the SWAT Team and the Product Development
2 process is working.

3 Q. Right. And at that point in time, is it your
4 understanding from your interactions with Mr. Bloomer, that he
5 believed the SWAT Team process, Product Development process
6 were working?

7 A. I want to answer yes, but I can only answer yes related to
8 Media Cast. So the SWAT Team and the Product Development
9 process was working for the Media Cast product. I can't say if
10 it was working for everybody else.

11 Q. Do you have any reason to doubt that Mr. Bloomer was
12 sincere in sending this e-mail out?

13 A. I couldn't talk to his sincerity of the writer.

14 Q. All I'm saying is did any communications you had with him
15 suggest that he wasn't being sincere when he sent this out?

16 A. No.

04/21/2005 Chronicle story, contd.:

She said she was proud of how they'd used the software to stream a Drew Carey program and a country music awards show.

Here the Chronicle minimizes what those events meant to EBS. Meyer's actual testimony on the events was more revealing.

Page 731

1 Q. Well, isn't the fact -- isn't it the case that you were
2 excited and thrilled with the success of the Drew Carey event?

3 A. Of course, I was. We brought up I think 15,000 streams
4 to participate in that event in a very short period of time.

5 I was very proud of everybody I worked with.

6 Q. And that was a big event?

7 A. It was a large event. We played a very large part.

8 Q. It was a big event for you and the company, wasn't it?

9 A. Yes.

10 Q. It was a big event for you personally, wasn't it?

11 A. It was a big event for anyone who was working on the
12 Media Cast product.

13 Q. And it was widely viewed within the company as a success,
14 wasn't it?

15 A. Yes.

16 Q. And the people that you talked to were enthusiastic about
17 that event, weren't they?

18 A. Yes.

19 Q. And people in the company at that time were generally
20 enthusiastic about the prospects for the Media Cast product,
21 weren't they?

22 A. Yes.

04/21/2005 Chronicle story, contd.:

Meyer is the Enron Task Force's first witness in this trial against five former Enron Broadband Services executives charged with 170 counts of conspiracy, wire and securities fraud, insider trading and money laundering.

On trial are Hirko, Shelby, former senior vice president of engineering and operations for EBS, and Scott Yeager, former senior vice president of business development for EBS. They are charged with misrepresenting the value of the business and profiting from personal stock sales.

The Chronicle did NOT report that Meyer consistently testified that she did not know what was going on outside her little group.

Page 722

8 Q. And on the network side in this company, are you aware
9 that the company planned to start by having a leased fiber
10 network and then constructing its own fiber network and then
11 eventually transferring traffic to that fiber network?

12 A. I didn't work on the network, so I wouldn't be able to
13 answer that.

14 Q. You didn't know what was going on with the way it was
15 being built out?

16 A. No. That was not my area of expertise.

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Q. Okay, I want to turn briefly to Media Transport. As a
6 preliminary matter, is it fair to say you don't know as much as
7 Media Transport as Media Cast?

8 A. I would not disagree with that statement at all.

9 Q. All right. You didn't do any actual programming of the
10 code for Media Transport?

11 A. No, that was not my products.

12 Q. And you haven't actually done any coding work on the
13 InterAgent software?

14 A. No.

15 Q. And you weren't involved in the team that did the coding
16 on the InterAgent software, were you?

17 A. What do you mean by involved?

18 Q. You didn't work as a member of that team that did the
19 coding on the InterAgent software, did you?

20 A. No, I did not work as a member of that team.

Page 746

9 Q. Okay. Now, you talked a little bit about this notion that
10 Media Cast was a Real software product. Are you familiar with
11 the contractual arrangements between ECI on the one hand and
12 Real on the other hand relating to the design of this software?

13 A. Are you asking me if I saw the contract myself?

14 Q. Yes.

15 A. No.

16 Q. And you didn't participate in negotiating that contract?

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18 Q. Okay. And you are not familiar, from having other people
19 tell you about this contract, what the terms of the contract
20 were, are you?

21 A. I couldn't claim very good knowledge on that. I was
22 familiar that there was a contract that Real was to provide us
23 with software and there was some business arrangement. But
24 details, I would be -- it's out of my league.

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14 Q. There were some things happening with bandwidth trading?

15 A. Which is the Enron Network.

16 Q. Is all bandwidth trading on the Enron Network?

17 A. I can't answer any questions related to that. That's way
18 out of my expertise.

Nor did the Chronicle report that Meyer was afraid of what might happen to her if she did not cooperate as the government asked:

Page 825

Did you have any fear of being prosecuted
12 for any of the actions that you took?

13 A. Did I have fear? Yeah, I am human, I had fear about that.

14 Q. You had fear of being prosecuted by the government?

15 A. Yeah, I'm human.

16 Q. What was the area or what caused you to have this fear?

17 What facts did you have within your knowledge that caused you
18 to have that fear that perhaps you were going to be prosecuted
19 for something?

20 A. It's not normal to have an FBI agent get in touch with
21 you. So one might just kind of wonder what the heck's going on
22 and, in general, kind of be a little fearful about why the FBI

23 is in my life.

24 Q. Very well. And so you had fear that perhaps they might be
25 looking at you, investigating you for something?

Page 826

1 A. I think it's the unknown that gives you that fear. You
2 don't know why.

3 Q. So, in this particular case with you, did you ever ask any
4 of these agents or the prosecutors whether or not you were
5 going to be looked at or subject of the investigator or perhaps
6 prosecuted for any acts that you took while you were at Enron?

7 A. Have I asked them that?

8 Q. Yeah.

9 A. I don't recall asking that question, but I'm sure I
10 probably have and I know that the conversations that I have
11 had, they have not addressed that at all.

Other points the Chronicle did not report in Meyer's testimony:

TRIAL TRANSCRIPT

P. 615:

19 Q. When you joined Enron Communications, to the best of
your
20 knowledge, did Enron have a network?

21 A. Yes.

22 Q. From what you knew, did the network work?

23 A. Yes.

24 Q. And it had these components that we are talking about
25 here today?

P. 616:

1 A. Yes.

Page 708:

19 Q. And you used definitions today of the term quality of
20 service as well, right?

21 A. Yes.

22 Q. And, again, quality of service is a term that can mean
23 different things to different people, isn't it?

24 A. To be perfectly honest, I believe quality of service is
25 actually defined by a networking standard that you can look in
Page 709

1 the Cisco Internet working book that helps --
2 THE COURT: Please slow down. Please slow down.
3 A. So, to be honest, I think quality of service, if I pulled
4 out one of my Cisco books that you read, the definition of
5 quality of service is actually defined in the industry as to
6 what that means.

7 BY MR. RAMFJORD:

8 Q. Sure. There's a definition of quality of service that
9 applies to a router and router-based technology, isn't there?

10 A. Yes.

11 Q. And you're aware that the company, ECI, intended to use a
12 different kind of QoS that was based on software applications,
13 correct?

14 A. Yes.

15 Q. And so, the definition that ECI itself used was not the
16 definition of QoS that appears in Cisco manuals, was it?

17 A. No. Because -- could you --

18 Q. The definition that ECI used because it was developing
19 software based QoS was not the same as the definition of QoS
20 that appears in Cisco manuals, was it?

21 A. No. I don't believe that I agree with you. The way you
22 are phrasing it, I don't know that I understand it.

Page 710:

5 Q. Do you remember that Stan Hanks, the vice president of
6 engineering, prepared a paper entitled "Redefining QoS" that
7 was given out at the NAB conference?

8 A. No. I did not receive a copy of that.

9 Q. So, you didn't see that report?

10 A. No.

11 Q. And you are not aware of the fact that that report
12 suggests that the company is redefining QoS to mean --

13 MR. STRICKLIN: Objection, Your Honor. She said she
14 is not aware of the report, and she did not see it.

15 THE COURT: Objection sustained.

Page 720:

17 Q. Are you saying that there really was no intent in putting
18 together this distributed server architecture to try to
19 improve the quality of the image and the data flow to the end
20 user?

21 A. The intent was to ensure that we had a distributed model;
22 that users interlocal ISP can receive streams locally.

23 Q. There was no connection between that and the idea of
24 improving the picture or the image that people would get
25 relative to what they could get with the same connection speed

Page 721

1 on the Internet?

2 A. The intent was to improve their experience by using that
3 distributed server locally.

4 Q. It would improve their experience because relative to the
5 Internet, they have the same level of connection, on average
6 they get a better image quality?

7 A. We are back to that average thing again, and I can't
8 answer that. I could say that the intent was that we wanted
9 to get into the local server, so they could stream from that
10 local server. And if there's no congestion, they should have
11 a good experience.

12 Q. A better experience than the Internet?

13 A. They should have a good experience.

Page 772

1 Q. So you don't know to what extent that BOS API STK relied
2 on InterAgent, do you?

3 A. No, and I haven't claimed to.

4 Q. No, I'm not saying you've claimed to. I just want to --

5 A. Yes.

6 Q. -- show the jury what you know about and what you don't
7 know about.

8 A. Okay.

9 Q. And that's something that I take it we can safely say you
10 don't know about?

11 A. The Broadband Operating System?

12 Q. The BOS API STK.

13 A. No, I did not look at it.