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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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FILED/ACCEPTED
MAR - 8 2012
Federal Communications Commission
Office of the Secretary

In re Application of

BERNARD DALLAS LLC	)	
	)	
and	)	
	)	
PRINCIPLE BROADCASTING NETWORK-DALLAS LLC	)	
	)	
For Assignment of License of KFCD(AM), Farmersville, Texas	)	File No. BAL-20070216ABA Facility ID No. 43757
	)	
For Assignment of License of KHSE(AM), Wylie, Texas	)	File No. BAL-20070216ABB Facility ID No. 133464

To: Marlene H. Dortch
Secretary

Attn: The Commission

OPPOSITION TO PETITION FOR LEAVE TO FILE SUPPLEMENT AND SUPPLEMENT TO APPLICATION FOR REVIEW

Bernard Dallas, LLC ("Bernard"), by its attorneys, submits its Opposition to the February 27, 2012 Petition for Leave to File Supplement and Supplement to Application for Review filed by David A. Schum ("Schum"). In support, Bernard submits the following:

In support of its Petition for Leave to File Supplement, Schum argues that new information has materialized. Schum cites Section "1.106(2)(i) and (ii)" of the Commission's rules. However, these rule references provide no support for Mr. Schum's latest attempt. As Mr. Schum notes, Section 1.106(b)(2) references the denial of an application for review and the circumstances under which the Commission would entertain a petition for reconsideration. Section 1.106(b)(2)(i) provides that a petition for reconsideration would be appropriate which

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relies on facts or arguments which relate to "events which have occurred or circumstances which have changed since the last opportunity to present such matters to the Commission; or (ii) [t]he petition relies on facts or arguments unknown to petitioner until after his last opportunity to present them to the Commission, and [the petitioner] could not through the exercise of ordinary diligence have learned of the facts or arguments in question prior to such opportunity."

Schum currently has pending an Application for Review. The instant submission is an attempt by Schum to avoid the explicit language of Section 1.115(d) of the Commission's rules. In this regard, an application for review and any supplements thereto must be filed within 30 days of public notice of the challenged action. The instant Schum submission is clearly not within the 30-day window. Moreover, Schum relies on an Order of the United States Court of Appeals for the First Circuit. That Order is dated November 18, 2011. As will be demonstrated, that Order is not of any probative value in support of Schum's arguments. Furthermore, even as a supplement to Schum's pending Application for Review, Schum fails to address why this could not have been filed within thirty (30) days of its release.

Schum once again repeats arguments he has previously made alleging the lack of full disclosure of ownership by Bernard. Schum points to an Order of the United States Court of Appeals for the First Circuit. That Order dealt with a jurisdictional question dealing with diversity. The underlying matter was ultimately settled. See Attachment B to Schum's pleading. The substance of the Order does not support Schum's claim.

Schum is once again confused. Schum argues that control of the station is exercised by foreign entities and violates Section 310 of the Communications Act.

Schum refuses to acknowledge the plain facts. Mr. Zwirn's relationship to the funds he once managed is irrelevant. Schum has failed to show that, with respect to the licensee entity,

Mr. Zwirn was not in control. On May 20, 2009, an FCC Form 316 application was filed seeking a *pro forma* transfer of control of Bernard Dallas (BTC-20090520ACD). Pursuant to that application, D.B. Zwirn & Co., L.P. ("DBZ") assigned its interest to RL Transition Corp. ("RL"), which is controlled by Mr. Zwirn. In this regard, the sole member of Bernard Dallas, LLC is Rocklynn Radio, LLC ("Rocklynn") (formerly Bernard Radio, LLC). Rocklynn's managing member is RL. RL's sole member is Daniel B. Zwirn. The application was properly granted by the Commission. The post-consummation Ownership Report accurately reflects the current ownership. Thus, Mr. Zwirn has historically been in control of the radio entities and is currently in control.

Bernard has consistently provided all required ownership information to the Commission. Schum's contention that "[t]he delay by the FCC in dealing with this matter has the appearance of complicity with Zwirn" is outrageous on its face. It insults the integrity of the agency. This type of speculative, unsubstantiated and ridiculous verbiage is a clear reflection as to the depths Mr. Schum is willing to go in order to fabricate his allegations.

In view of the foregoing, the Commission should summarily dismiss and/or deny Schum's latest submission. As has been demonstrated, the submission is procedurally infirm and substantially devoid of merit.

Respectfully submitted,

Aaron P. Shainis

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March 8, 2012

CERTIFICATE OF SERVICE

I, Jason Silverman, hereby certify that I have sent, this 7th day of March, 2012, by First Class U.S. Mail, postage prepaid, copies of the foregoing OPPOSITION TO PETITION FOR LEAVE TO FILE SUPPLEMENT AND SUPPLEMENT TO APPLICATION FOR REVIEW to the following:

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