BEFORE THE

Federal Communications Commission

WASHINGTON, D. C. 20554

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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 # 43757
	)	
For Assignment of License of KHSE (AM), Wylie, Texas	)	File No. BAL-20070216ABB Facility ID # 133464

2012 MAR 29 P 2:47

TO: Honorable Marlene H. Dortch
Secretary of the Commission

ATTN: The Commission

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

David A. Schum,("Schum"), on behalf of himself and fellow petitioners, J. Michael Lloyd, Frank D. Timmons, Carol D. Kratville, Brian M. Brown, Robert E. Howard, Edwin E. Wodka, John W. Saunders and Richard J. Drendel (Petitioners), hereby respectfully submits this Response to Bernard Dallas LLC's ("Bernard"), by its attorneys, Opposition to Petition For Leave to File Supplement and Supplement to Application For Review to the pending "Application for Review" filed on June 19, 2009 appealing the letter ruling of the Chief, Audio Division, Media Bureau dated and

released February 19, 2008, 23 FCC Rcd 2642, denying Petitioners' "Petition to Deny" against the above-captioned applications.

Response to Opposition

Bernard argues that Schum has missed the 30 day deadline for filing new information that was not available on the last filing. The case in point is an Order of the United States Court of Appeals for the First Circuit that is dated November 18, 2011. This order was available to Zwirn and their counsel immediately but Schum was not on the service list and is not an attorney. Schum made the supplement filing and request for leave to file as soon as possible after being made aware of the court order.

Bernard once again has stated that Schum is confused and refuses to acknowledge the plain facts. In fact, Bernard is confused and refuses to acknowledge that D.B. Zwirn Special Opportunities Fund, L.P. is the only equity holder listed in the chain of entities that Zwirn has submitted on their ownership reports and they are listed as 100% owner of Bernard Radio, LLC which owned 100% of Bernard Dallas, LLC. The equity holders of D.B. Zwirn Special Opportunities Fund, L.P., identity unknown and listed as insulated on the ownership report, voted to remove Daniel Bernard Zwirn and his chain of companies as managers of the fund effective June 1, 2009.

D.B. Zwirn Special Opportunities Fund, L.P. is the entity that loaned Schum's radio company funds and that "prevailed" at the auction for Schum's company assets. D.B. Zwirn Special Opportunities Fund, L.P. no longer exists as the First Circuit Court of Appeals case points out and is now Fortress Value Recovery Fund 1, LLC. Daniel Bernard Zwirn has nothing to do with Fortress Value Recovery Fund 1, LLC even though it is the 100% equity holder of Bernard Radio, LLC which owns 100% of Bernard

Dallas, LLC and that change of control has never been disclosed to the FCC by either Zwirn or Fortress. Daniel B. Zwirn never had control of the previous owner and therefore a pro forma transfer could not happen to RL Transition. Had Zwirn been in control of D.B. Zwirn Special Opportunities Fund, L.P. he would still be in control and there would be no need for the RL Transition shell game.

Bernard takes umbrage to Schum's contention that "the delay by the FCC in dealing with this matter has the appearance of complicity with Zwirn" calling it outrageous on its face and it insults the integrity of the agency. Once again the facts:

1. Schum filed a Petition to Deny the license transfer from DFW to Bernard on 2-28-06
2. That petition was Dismissed on 12-28-06 in a letter signed by Peter Doyle.
3. Schum filed a Petition for Reconsideration of the DFW transfer on 1-29-07.
4. Schum filed a Petition to Deny the transfer from Bernard to Principle on 3-29-07.
5. Schum filed an Informal Objection to the Principle transfer on 5-1-2007.
6. Items #3, #4 and #5 were all Denied on 2-19-08 in a letter signed by Peter Doyle.
7. Schum filed a Petition for Reconsideration of the Principle transfer on 3-20-2008.
8. Schum filed a supplement to the Petition on 5-15-2008
9. Items #7 and #8 were Denied on 5-20-09 in a letter signed by Peter Doyle who also admonished Schum.
10. Schum filed an Application for Review on the Bernard transfer on 3-20-2008 which has been supplemented.
11. Schum filed an Application for Review on the Principle transfer on 6-19-2009 which has been supplemented.
12. After 4 years there has been no decision made on #10.

13. After nearly 3 years there has been no decision made on #12.

In summary, undermining the appeals process only one person at the FCC has ruled on all petitions and applications thus far and Schum has been denied a hearing as requested in each of the four filings. The admonishment has effectively denied Schum the use of counsel. The lack of action on Schum's Applications for Review has denied Schum due process and/or their day in court - Justice Delayed Is Justice Denied.

An application for benefits to another federal agency, the Social Security Administration, comes with this statement in the event that you do not agree with their decision: "A person who did not make the first decision will decide your case."

For the reasons stated above, Schum respectfully requests that the commission deny Bernard's Opposition To Petition For Leave To File Supplement And Supplement To Application For Review and to grant Schum's Petition For Leave to File Supplement and Supplement for Application For Review.

Respectfully submitted,

David A. Schum et al

By_____

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March 19, 2012

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing response to opposition dated March 19, 2012 were served by first-class United States mail, postage prepaid, on this 19th day of March, 2012 upon the following:

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Service is accepted for DFW Radio License, LLC

David A. Schum