Posted: 4/20/12

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In re Application of

FILED/ACCEPTED

APR 17 2012

Federal Communications Commission
Office of the Secretary

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

2012 APR 19 A 5:47

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 April 2, 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:

The predicate for Schum's latest submission is information Schum claims was not available to him until February 29, 2012. More specifically, the "new information" is an article written by a William D. Cohan which was published by Bloomberg. In that article, Mr. Zwirn's past travails are discussed. There is a reference in the article that an affiliate of Fortress Investment Group LLC took over the management of the D. B. Zwirn funds in 2009. In a

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quantum leap of desperation, Schum bootstraps this factoid into a repetition of the arguments that he has previously made in his multiple submissions.

Schum currently has pending an Application For Review. The instant submission is once again 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 a February 29, 2012 article. The article is not of any probative value to the advancement of Mr. Schum's arguments. Furthermore, Schum does not provide any explanation as to why this could not have been filed within thirty (30) days of its release.[1]

Schum's reliance on Section 1.106(b)(1) and (2) to justify his current submission is erroneous. Section 1.106(b)(1) deals with the filing of a petition for reconsideration. Section 1.106(b)(2) deals with the situation where the Commission has denied as application for review and delineates the circumstances for the filing of a petition for reconsideration. Schum should realize that the matter currently pending before the Commission is his application for review.

The arguments of Mr. Schum relating to the historic lending practices of Mr. Zwirn are irrelevant to the FCC.

Schum repeats previous arguments he made alleging the lack of full ownership disclosure by Bernard. Schum is once again confused. Schum argues that control of the stations is exercised by foreign entities and violates Section 310 of the Communications Act.

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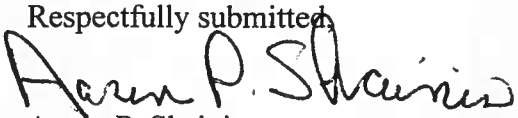
[1] The Schum filing did not occur until April 2, 2012.

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. It should be noted that Schum's allegations that (a) Mr. Zwirn was not in control of the Zwirn license ownership prior to the establishment of RL Transition Corp.; and (b) Mr. Zwirn is not in control of the license after the establishment of RL Transition Corp. are utterly devoid of any merit. The allegations are predicated totally on speculation and surmise. Moreover, the allegations are totally undermined by the facts presented to the Commission through various filings (BTC-20090520ACD) and the August 19, 2009 post-consummation ownership report (BOS-20090819AFS).

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,



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April 17, 2012

CERTIFICATE OF SERVICE

I, Lisa L. Stone, hereby certify that I have sent, this 17th day of April, 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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