

POSTED: 5/2/12

BEFORE THE  
**Federal Communications Commission**  
WASHINGTON, D. C. 20554

In re Application of )

BERNARD DALLAS LLC )

And )

PRINCIPLE BROADCASTING )  
NETWORK-DALLAS LLC )

For Assignment of License of )  
KFCD (AM), Farmersville, Texas )

For Assignment of License of )  
KHSE (AM), Wylie, Texas )

File No. BAL-20070216ABA  
Facility ID # 43757

File No. BAL-20070216ABB  
Facility ID # 133464

Received & Inspected

APR 30 2012

FCC Mail Room

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 supplement regarded an article that was published on February 29, 2012. The supplement was postmarked in Dallas, Texas to the FCC on March 28, 2012 which is within the 30 day filing window. Zwirn mistakenly states that the filing did not occur until April 2, 2012. Schum would prefer electronic filing but must use First Class Postage with the USPS in which case the postmark governs the filing date. Dallas, Texas is where Schum resides within the day and night listening contour of KFCD and KHSE.

Bernard once again has stated that Schum is confused and using quantum leaps of desperation. Bernard also points out that Schum has a pending application for review with the FCC.

Schum is not sure where the quantum leap of desperation is. Schum does know that the 100% equity owner of Bernard Radio, LLC was reported on the ownership form as D.B. Zwirn Special Opportunities Fund, L.P. Bernard Radio, LLC was listed as the 100% equity owner of Bernard Dallas, LLC the proposed licensee for KFCD and KHSE. Now Zwirn is saying that RL Transition is the 100% owner of the radio licenses which would come as a surprise to the partners and shareholders of the now defunct D.B. Zwirn Special Opportunities Fund, L.P. as well as the SEC.

As we have pointed out previously, Zwirn has lacked candor in filing the initial ownership forms, in filing the form 302 for the conversion of KHSE from a construction

permit to a license and the ownership form transferring the licenses to RL Transition Company. Daniel Zwirn did not sign any of the forms listed. RL Transition was formed when Dan Zwirn and his management team were tossed out of D.B. Zwirn Special Opportunities Fund, L.P. and replaced by Fortress Investment Group. Fortress has been cleaning up the mess left by the Zwirn team and distributing what was left.

The FCC relies on licensees being truthful and has the duty to examine basic character qualifications when examining new applicants. Schum has continued to point out the lack of candor on Zwirn's part not only in their dealings with the FCC but also in their business dealings in general.

The market has spoken about Zwirn's lack of candor with the partners and shareholders. The partners and shareholders demanded Zwirn's management be removed and the business shut down which it has been.

Schum and the general public have to rely on the FCC to fulfill their duty to examine applicants with questionable character. The FCC has refused to acknowledge their duty and schedule a hearing regarding Zwirn's and now Fortress's qualifications.

Schum feels obligated to file supplements to the pending applications for review to disclose information that becomes available since Zwirn, Fortress and their counsel have refused to fully disclose what is required for the FCC to make a fully informed decision.

Zwirn's counsel states that "The argument of Mr. Schum relating to the historic lending practices of Mr. Zwirn are irrelevant to the FCC." Schum disagrees. Zwirn's lack of candor in FCC filings and predatory lending practice which destroyed independently

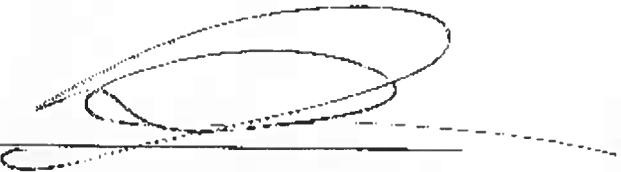
owned radio companies should disqualify Zwirn, any Zwirn subsidiaries or affiliates and any members of the former Zwirn management team from FCC approval as a licensee.

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

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

David A. Schum, Individual Petitioner  
P.O. Box 12345  
Dallas, Texas 75225

April 24, 2012

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing response to opposition dated April 24, 2012 were served by first-class United States mail, postage prepaid, on this 24<sup>th</sup> day of April, 2012 upon the following:

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Service is accepted for DFW Radio License, LLC



David A. Schum