HOW TO GUIDE FOR BUSINESS TEXT MESSAGING

(813) 607-6767
MessagePro.com

PROXIMITI® | MessagePro

Purpose

If you have downloaded this e-book, you're already interested in how to add texting to your organization's communications capabilities. This publication is a practical "How To Guide" on how business texting works with example applications, and tips on how to comply with the regulations surrounding business use of text messaging.

Proximiti Communications provides communications services (voice over IP, messaging platforms, mobile apps, and other services) and now our own business texting services called MessagePro. This e-book includes screen shots from MessagePro to illustrate concepts, and of course, we hope that if you are interested in adding business texting services to your communications capabilities, you'll consider us.

The majority of business professionals surveyed said they send at least 20 texts a day, and a number send 60 or more, with many feeling communications overload.

Introduction: Business Texting Primary Needs

1

"No more having to pull out my cell phone to send text messages to team members and clients. I now use my laptop and tablet."

– MessagePro User

2

"Our business texting solution insures compliance but also the logs allow us to accurately bill time to clients as well. Everything is logged and available to individual users and administrators."

– MessagePro User

3

"I can text patients from any device including my personal cell phone and the office number is the number they see."

– MessagePro User

Key Components of a Business Texting Solution

Key Attributes of a Business Text Messaging Solution

- **Text enable your existing business phone number:** customers want to be able to recognize a number that is attempting to contact them. What better way than to send a text from your business phone number. This allows your customers to know who is texting them and feel more comfortable responding by text or even calling your business.
- **No Equipment to Buy:** Use your PCs, laptops, mobile phones, and tablets as they are now. Log in on any internet connected device.
- **Provisioning:** simple, an hour at most, configuring your service on a web site. You don't have to change your phones or phone company.

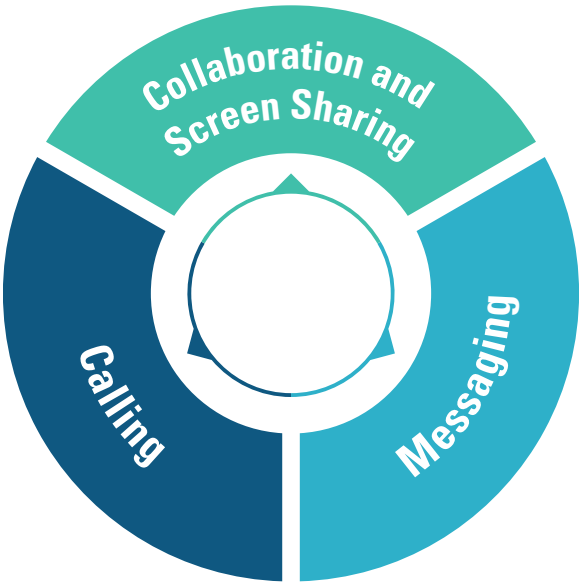
- **Administrative Control:** administrator capabilities allow you to have full control of your selected texting solutions. You should be able to allow employee access to particular numbers and prevent access to others. Setting up new users, new phone numbers, review reports, create keywords and auto-replies for inbound text messages, and other capabilities are key to an effective business texting solution.
- **Low Cost:** Very low cost per outbound message with inbound messaging often free. May allow you to add texting services and reduce unnecessary voice lines, giving you more capabilities for same or less money than you pay today for voice alone.
- **Autoreplies and Keywords:** a business texting solution should also allow your business to automatically communicate with customers even when you or your employees are not available. Autoreplies are a simple tool that will allow your business to set times that a pre-set reply will be automatically sent back to a customer if they were to message your text-enabled number. Additionally, you can create keywords. These are particular words or phrases a customer messages individually to your number and receives a pre-set reply automatically. Examples: if a customer were to text the word "Hours" to your business number, they would receive an automatic reply detailing the hours of operation for your business and whatever additional information you would like to include.
- **Compliance with Business Texting Rules:** Businesses have restrictions in using texting that consumers do not want, particularly around sales materials, and marketing.
  - **Customer Opt-Out:** a very important aspect of any business texting service is an ability to avoid sending unwanted messages to your customers. Every initial text sent should allow for the customer to opt-out of receiving further messages. A solid business texting solution will automatically recognize the receipt of an opt out request from a message recipient and then block this contact from future messages.
  - **System Safeguards:** Any good business texting service will have some safeguards in place to avoid upsetting customers with too many messages or inadvertently messaging a massive list.
- **System Utilities:** A solid platform will include strong administrative tools too.
- **Message Content Search:** the ability to search through the content of your business messages should be high on your list of available features for a business texting service. This allows for information exchanged between your business and your customers to be easily located and used. The ability to search for particular words or phrases is a powerful tool for finding exchanges that contain specific information you need.
- **Reports:** to determine the effectiveness of your messaging you should be able to reference reports that show pertinent metrics. These reports give you data about number of inbound/outbound messages, time and date of messages, and helps track the status of your account.

Texting Isn't Optional for Business

Big Picture View of Communications for Today's Organizations

The whole communications landscape has changed from a "call me" or "drop it in the mail" to electronic messaging first expectation for communications.

This is true within companies, between partners and associates, and even with customers and prospects. Routine items get handled with messages; more complex matters via face-to-face meetings, web meetings, or traditional phone calls.



E-Mail is the default messaging paradigm for business but uncontrolled spam, the rise of a mobile work force, on-the-go consumers, and the widespread adoption of text messaging as the default platform used day to day, businesses need to adapt and include text messaging as a key communications capability.

Market research supports the trend to a messaging first communications strategy for many interactions (and will soon include integration with business processes routinely). The numbers are simply compelling.

70%

Over 70% of phone calls are not even answered

95%

95% of text messages are read within 15 minutes of receipt

70%

Almost 70% of consumers respond very favorably being able to text with companies

Business Texting Using Your Existing Phone Numbers Now Available

Available only in recent months, the ability to text-enable landline phone numbers is now possible (estimates are about 95% of landline numbers can be text enabled). To do so, you'll need a provider that can interact with telecommunications providers to set up your service. Focus on providers that can text-enable your existing phone numbers without requiring you to change your voice services, and also offer new phone numbers. You may find new phone numbers useful for specific applications.

You also need a user interface that can be supported on a multitude of devices. Your office handsets are of no real value—instead, you want an interface for your connected PCs, laptops, tablets, and smart phones so you can message in and out of the office.

The good news—you can set up your services in an hour or less—no equipment to buy, no long-term contracts.

You don't have to change your phone company or swap out equipment to do so—it can be done in minutes. You'll also need a messaging platform to manage inbound and outbound messages. A good service provider will offer both PC access via a web app or web page, and iOS and Android apps for mobile users.

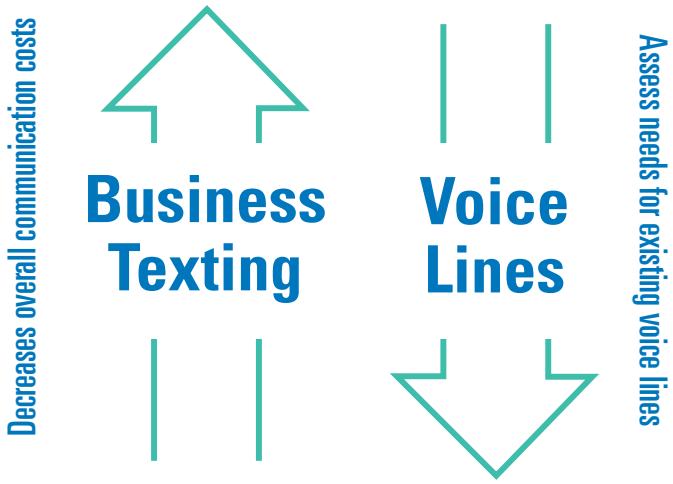
- The cost is quite reasonable—inbound messages are almost always free and outbound messages are pennies with a wide range of service plans.
- Your messaging platform should offer administrative tools, archiving, inbound text management capabilities such as auto-replies and keywords, and other functions described in this e-Book.

There are few decisions in business that are no-brainers. It's hard to imagine a business that couldn't effectively use texting to improve a wide range of communications requirements—for a low monthly cost. The ROI includes not only improved business processes but many organizations will likely see the opportunity to reduce their phone bills, too, by resizing voice network requirements (too many lines for actual call volumes).

You Might Consider Reducing Voice Lines in Service and Using Texting

Here are a couple of guideposts:

- Most businesses have too many phone lines given their volume of calling—30% or more
- Average line cost is around $40
- Text messaging for 1,000 outbound messages is approximately $49 and inbound are free
- Text messages can replace or supplement voice traffic—adeptly deploying business texting actually decreases your overall communications costs.



- Business texting provides great benefits to your business even if it adds an incremental addition to your communications costs:
  - Marketing effectiveness
  - Business process improvements
  - Internal communications

Best Practices for Users for Business Texting Services

Text messaging is now the most used non-voice communications channel in the world. However, text communications involving mobile customers are regulated by the Federal Communications Commission ("FCC") and other federal and state agencies. Businesses which communicate via text must initiate safeguards to ensure compliance with industry standards. To aid in understanding legal and regulatory compliance, this section of the e-book outlines some of the "best practices" that businesses should follow in their use of text messaging.

Regulatory Background

As native services provided by cellular carriers, text services are subject to regulatory review. The FCC is the primary regulatory authority for texting services. In certain matters, the Federal Trade Commission (FTC) and state regulatory agencies also issue and maintain regulations that apply to cellular service including text messaging. In addition, the cellular industry self-governs use of cellular network infrastructure through the Cellular Telephone Industry Association (the CTIA) and the Mobile Marketing Association (the MMA). Failure to follow statutory regulations applicable to mobile services can result in fines and legal action. Failure to follow industry guidelines for covered services can lead to suspension of service on both the customer and carrier levels.

Regulatory Fundamentals

Rules applicable to texting by businesses are fundamentally driven by an expectation of a right to privacy by wireless subscribers as established under the Telephone Consumer Privacy Act of 1991 (TCPA) and the CAN-SPAM Act of 2003. In creating regulations to implement these acts of Congress, the FCC has established that telemarketers must obtain "prior express written consent" before sending text messages to mobile subscribers. Generally, senders of text messages are held to the same rules as would be applied to businesses using voice services. Under FCC/FTC guidance "telemarketing" is broadly defined as messages that advertise or promote a commercial product or service.

The FCC has explicitly ruled that a prior or existing business relationship with a customer does not eliminate the need for written consent prior to sending text messages of a marketing nature. Selected exemptions from the written consent requirement apply only for specific calls of an emergency, political or informational nature and for specialized messages involving healthcare or financial alerts. Fines for violation of the FCC rules for undocumented marketing texts can be up to $1500 per violation. Noncompliance fines can be significant. For example, Papa John's and Wells Fargo settled high-visibility TCPA lawsuits for over $13MM and $17MM, respectively.

Also of note are the FTC's regulations around the Children's Online Privacy Protection Act (COPPA) and other rules and regulations concerning communications aimed at children under the age of 13. As the rules and restrictions associated with communications directed to children can be quite technical and cumbersome, Proximiti defers any questions concerning those rules to your independent legal counsel.

Determining Whether Written Permission is Required

Because of the broad nature of the current regulatory definition of "telemarketing" activity and the significant fines associated with the breach of existing law, following best practices would typically require written permission of the recipient of text messages under any broadcast message program. While the FCC restrictions do not cover "transactional", "informational" or "relationship" messages, in today's litigious society all texting is subject to challenge.

Never rent or purchase lists. The risks in purchasing list contacts are substantial, despite any vendor claims to the contrary.

Obtaining Valid Written Permission of Mobile Customers

The Commission defines "prior written consent" as unambiguous. For texting, consent must explicitly give permission to receive telemarketing texts, must acknowledge the recipient's agreement to receive them and consent cannot be obtained by deceptive means. To this end, the consent should also provide clear details of the purpose of the messages that recipients are signing up for, and include a "signature." However, it is generally accepted that prior written consent "signature" requirements can be fulfilled via physical signature, email, website form, text message, telephone key-press, or voice recording. Enrolling a user in multiple programs or in programs for multiple entities based on a single opt-in is prohibited.

Program Participation Must Be Optional

By law, businesses cannot mandate that customers provide consent to receive text messages on their mobile devices as a condition of purchase/service.

EXAMPLE LANGUAGE

Example of Authorizing Language:

By signing below, recipient authorizes [company name] and/or its service providers, to deliver, or cause to be delivered to recipient at the telephone numbers provided by recipient telemarketing calls, telemarketing texts and similar communications involving information relative to [company name]'s products and services. Member acknowledges that he/she is not being required to execute this consent (directly or indirectly) as a condition of purchasing any goods or services.

Example of Arbitration/ Class Action Language:

[Company Name] and recipient jointly agree that where permitted under applicable law, that any claim/dispute or breach that cannot be resolved through negotiated settlement will be resolved through arbitration administered by the American Arbitration Association under its Commercial Arbitration Rules and that judgment of the award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof. Each party fully and openly waives any right to trial-by-jury relative to any claim or dispute.

Require Arbitration and Include a Class Action Waiver in Sign Up Material

Perfect adherence to law and regulation does not ensure that you cannot become a target for text messaging litigation. Having an enforceable arbitration clause with a class action waiver in your sign-up materials can provide protection against over-zealous litigators.

An arbitration clause will essentially require any dispute between the parties to resolve the dispute using an independent third party arbiter rather than a court of law. Generally, arbitration is a much cheaper and faster method of resolving disputes or claims than litigation.

A class action waiver establishes that each customer dispute must be resolved individually and cannot be combined with disputes/complaints with other customers. Eliminating class action litigation removes incentives for plaintiff attorneys to pursue court cases solely on the basis of anticipated legal fees.

Document Continuously

Please be advised that in the event of an investigation into such a matter, you will be asked to show proof of consent relative to the recipient of your text messages. Make sure that all automated and manual actions are captured and recorded via system audit logs or other forms of documentation. Document not only the executed permission(s) but also your process to obtain written permission. The ability to show that your "system" was built to comply with existing law and regulation could be important in the face of end user challenges.

Restrict Employees from Using Personal Cell Phones to Text Customers

Employers are generally responsible for the actions of their employees. If employees bypass regulatory restrictions such as the "written consent" restriction, you as their employer can be held accountable. You are setting up a process to initiate and manage text access from your Proximiti MessagePro service. Use it to manage all direct texting between employees and customers. Make sure your policies are being followed by using the Service's ability to monitor text messages.

Train Your Employees

All employees with access to the capability to originate text messages should be trained on the general requirements of the TCPA and other pertinent regulation and your company's intent to comply. Best practices would also suggest that all customer-facing employees be trained to use your company's text messaging program to initiate orders to stop text messaging at a customer's request. Training (and refresher training) can be a significant component of a "safe harbor" defense to potential TCPA violations

Confirmation Messages

When receiving written permission to initiate texting to a new recipient, it is a common practice to send a response confirming the addition. This response should include:

- the name of your business,
- the types of messages you will be sending
- the number of messages you will send each month,
- a statement that no purchase is required,
- a warning that standard message and data rates apply, and
- clear instructions to opt-out

Sample Confirmation Message:

Welcome. You've joined [company name] offers & updates. 2-4 msg/mo. No purchase required. Std message & data rates apply. Reply STOP to quit.

STOP Messages

All text messaging programs should contain a mechanism for opting-out of message delivery. In most instances, a "Reply STOP to opt-out" instruction is required by law and must appear in every message. A solid service provider will insure that your service is structured such that each message is configured to meet this requirement. It should be configured to send a confirmation to the party requesting removal as required in compliance with CTIA guidelines. Also, services like Proximiti MessagePro will automatically unsubscribe any end user from a program in response to a STOP, END, UNSUBSCRIBE or QUIT response from a texted party.

Use of the Word "Free"

The use of the word "free" in regard to text messaging programs where messages will be sent on recurring basis, it is recommended that materials and messages not promote the program as "free" to subscribers. Because some mobile customers are invoiced for text services based upon message blocks, not all messaging may be free to all potential subscribers.

CTIA guidelines go further and state that all references to charges in regard to sent and/or received messages on the part of mobile subscribers should clearly state that "Message and Data Rates May Apply". CTIA further recommends that placement of the above phrase should be clear and conspicuous and should not be deceptive in any nature.

Proximiti MessagePro Service Limitations

Most service providers will also impose service limitations beyond what is officially required. For example, we impose the following restrictions:

- Proximiti's MessagePro service is intended solely for use in compliance with established law and thus, the service is not meant for and is not to be used for distribution of unsolicited marketing materials. Furthermore, Proximiti MessagePro service may not be utilized in association with "marketing" lists to send text messages to mobile phones where the texting party does not have the requisite legal permission.
- Proximiti MessagePro service is not to be used in a manner that would result in the transmission of undesirable or illegal content such as violence, physical threats, harassment, pornography, alcohol, illegal drugs, viruses or harmful code or other material prohibited by law or regulation. Additionally, Proximiti MessagePro services is not to be used in any manner to communicate with children under the age of 13.
- Proximiti MessagePro service is also not authorized for use in critical safety applications or situations that require continuous uninterrupted service. Use by any party where failure of message delivery could reasonably be expected to result in bodily injury, loss of life, or catastrophic damage to property or person is prohibited.

RESTRICTING MESSAGING HOURS

For messages sent to customers and the general public, it is recommended that organizations using text messaging follow the TCPA time restriction, which prevents any solicitation text messages before 8 a.m. and after 9 p.m. local time. While your messages may not fall under the TCPA "solicitation" restriction, we believe that the public in general anticipates some limitations on the timing of communications activity, and that programs outside of these time schedules are likely to be ineffective. It makes no sense to send a message to a customer when it might annoy the recipient.

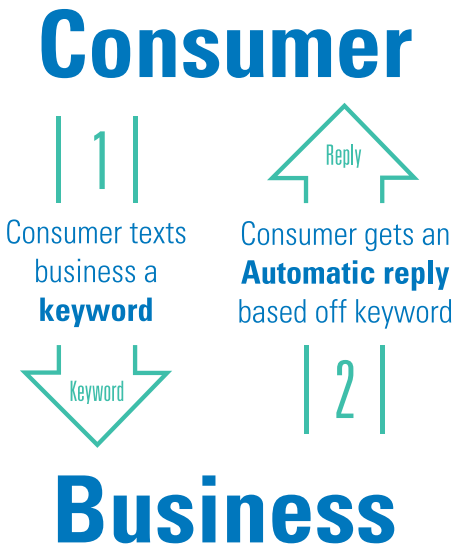
However, for messaging involving private groups, such as employees, it should be up to the subscriber to establish time-of-day service delivery standards on an individual case basis..

Importance of Inbound Messaging Features

While you normally think of text messaging for conversations, one important use case is for simple information access from mobile users. This will be increasingly common as business texting becomes more mainstream. Here's why it is an area to consider strongly as you adopt text messaging to your business communications capabilities:

Inbound opportunities are also critical:

- Almost 50% of internet traffic is now from mobile devices
- Some businesses use Twitter and other tools to get messages out, but it's an incomplete solution:
  - You don't get much viewer information on those that follow you
  - Twitter doesn't easily adapt to business processes oriented around its messages
  - And of course, not all of your target market uses Twitter—virtually all have a cell phone number



As a starting point, many firms look first to common information requests from clients and prospects. For example, "map", "directions", "hours" or "info" to a main business phone number can kick off an automated reply instantly satisfying customer or prospect needs. For products with limited packaging, it's a quick way to also get more detailed information in limited space environments. Use cases are endless and a good business texting solution provider should offer you the tools to take advantage of these capabilities.

Using Business Texting for Marketing

In certain businesses, it is crucial and time-sensitive to get in contact with potential clients. Having the ability to advertise your own business number and allowing consumers to either call or text your business can greatly help drive potential leads to your company. Building contact lists automatically by storing these types of inquiries is a key aspect of any quality business texting solution.

Keywords are not the only form of automatic responses that services should incorporate. Autoreplies can be set for particular times of day. If your office is closed for a holiday, you can create an autoreply so that your customers will still get a response even if you are closed. After-hours texts can have a predetermined response.

Autoreplies provide your customers a quick response that will many times give them the information they are seeking. Autoreplies and keywords can be toggled on and off at any time. Autoreplies can change from hour to hour and from number to number. Depending on your business, you may want certain numbers to give different autoreplies at various points of the day. An administrator can control this from any device, allowing for the appropriate automated replies to come from the numbers you want at the time of day that you want.

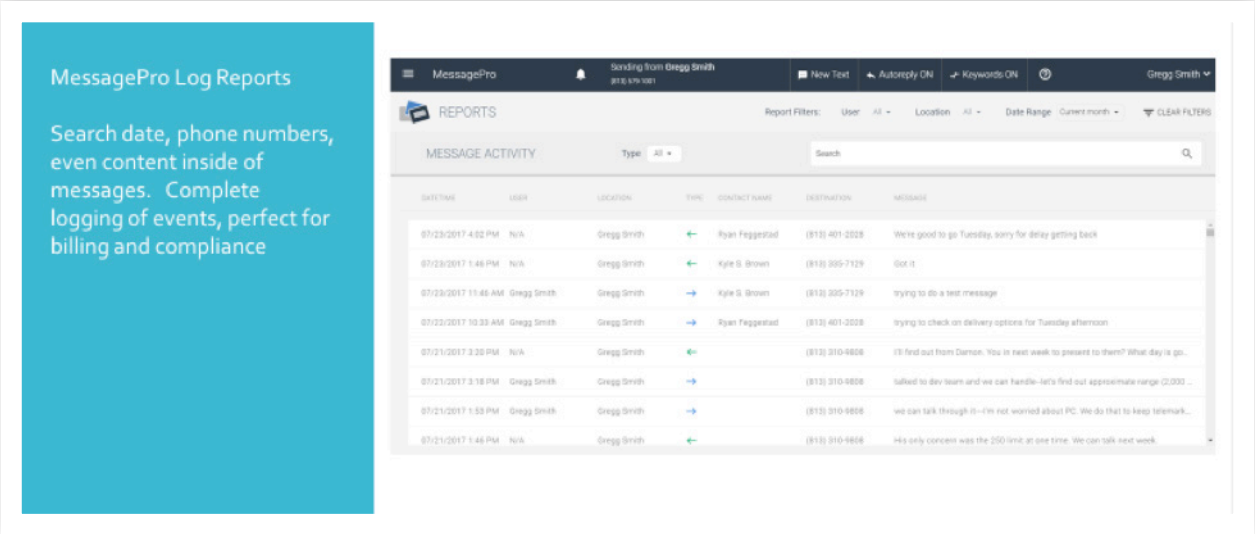
Here's a commonly used example for showing the potential application of keywords in a scenario many have experienced—driving by a house for sale and wanting to know more information about it, easily:

Being able to quickly respond to issues with customers by providing a quick answer, link to a helpful site, or even calling the number that was received through MessagePro will improve your communication and allow your business to be more attentive to customers. Automated responses also allow for customer interactions without taking up valuable employee time.

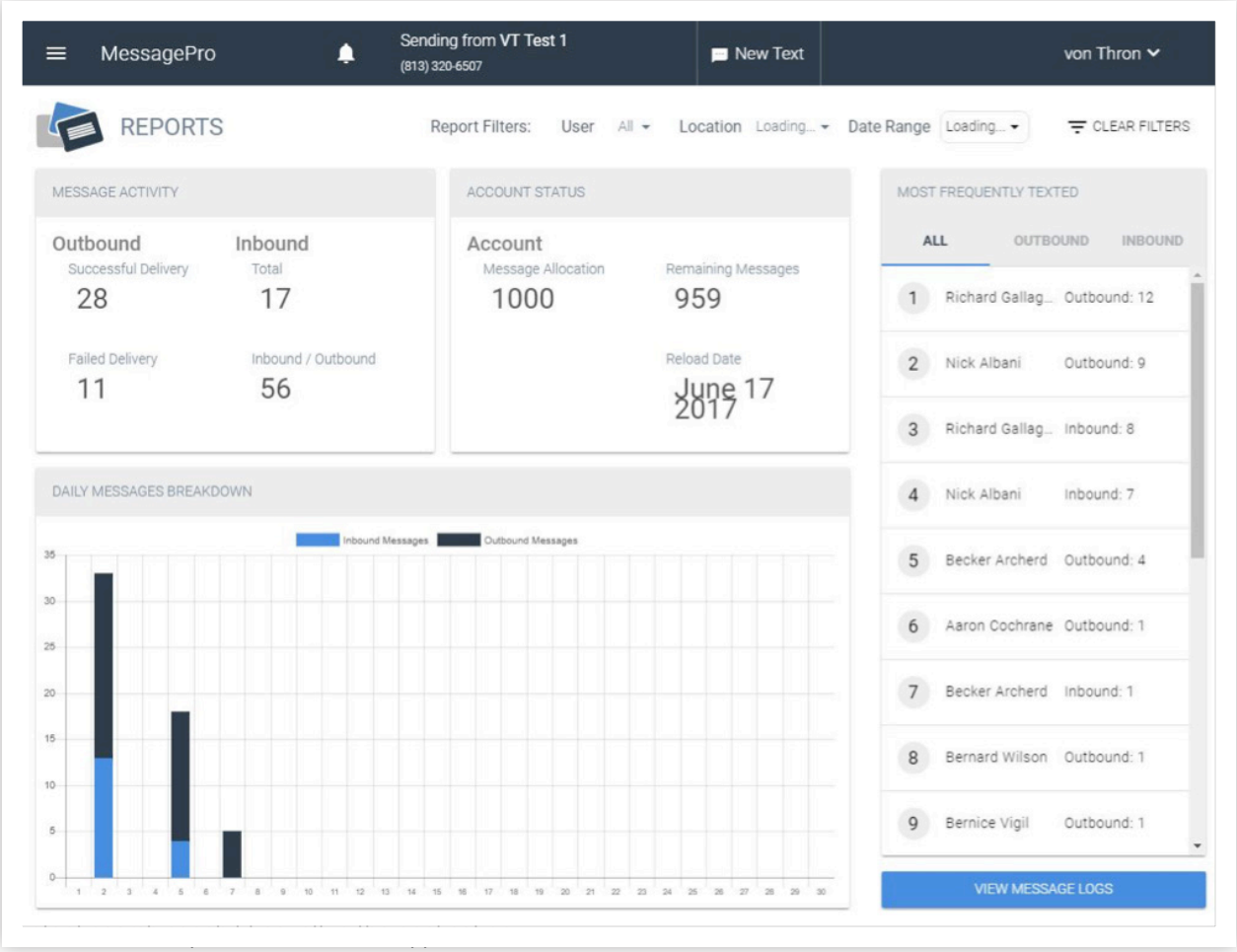
Smart Utilities: Logs, User Management, Message Search, Activity Reports

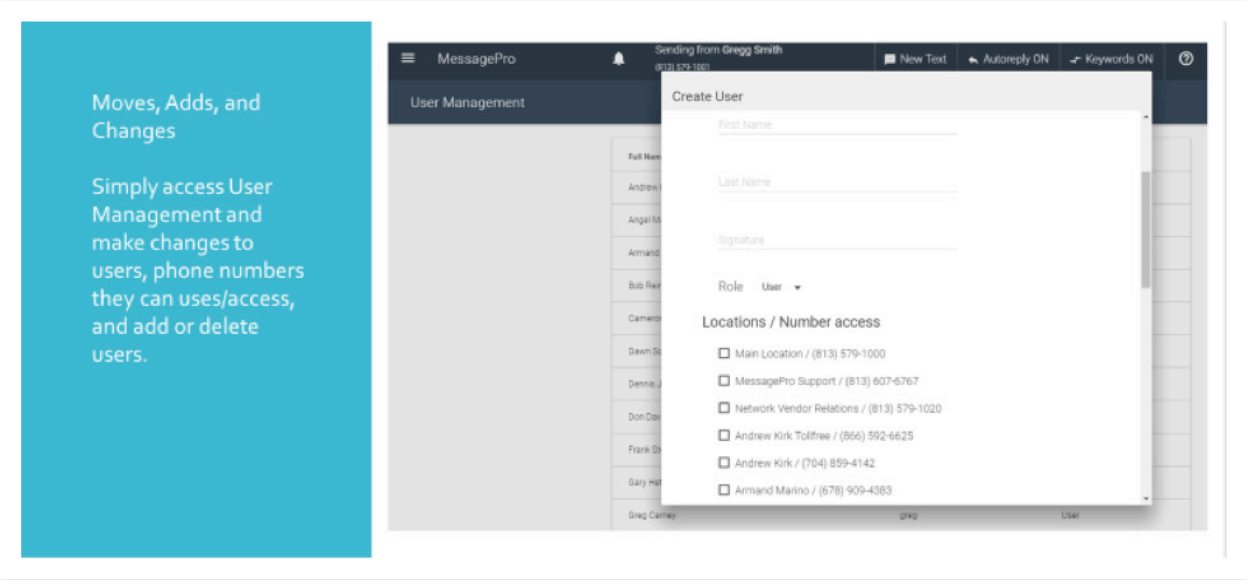
Many organizations must keep tabs on the type of messages being exchanged. Financial services companies, government agencies, schools, and many other groups need to comply with record keeping requirements and have a strong interest in insuring that communications services are used pursuant to policies.

Messaging services also are often a great repository of business information that needs to be retrieved or could be useful by others in the organization. Knowledge sharing is a big trend in corporate IT strategic planning along with security and ease of use. Proximiti MessagePro provides the following interface to meet these needs:



Solid logging and search allow administrators to monitor the activity of employees, to better understand changing customer interactions, or to simply locate a specific conversation. Your business texting solution should allow any administrator to search through the entirety of the messages exchanged in a given account between your text enabled numbers and their contacts. This gives businesses the ability to search for exchanges to find specific information that may be useful. This type of 'elastic' search allows an administrator to search all messages for particular keywords or phrases. Results will show all conversations that contain target keywords or phrases, and allow the administrator to locate the pertinent information and act accordingly.



Moves, Adds, Changes

Your application should easily permit the addition and deletion of users, add new numbers (often for advertising campaigns, etc.), and user configuration (what numbers the user monitors for example). In the MessagePro application, these are simple processes that take effect immediately.