



LIVEVOX

Client-Exclusive Webinar

**Optimizing SMS Strategies to  
Minimize TCPA Exposure and  
Maximize Outreach with HTI**





# Disclaimer

**This presentation and the statements of the panelists do not constitute legal advice.**

We urge businesses to consult with their own experienced legal counsel to independently review the topics covered on today's event and independently evaluate any compliance measures they undertake.

# Today's Speakers



**Mark Mallah**

**General Counsel**  
*LiveVox*



**Jason Queener**

**Senior Director, Business Consulting**  
*LiveVox*

# What We'll Be Covering Today...

- **The implications of the TCPA for outbound activity today**
- **The landscape of SMS and Voice in the context of the TCPA**
- **How Human Text Initiator (HTI) does for SMS What HCI did for Voice**
- **Human Text Initiator Use Cases**
- **Messaging best practices: what to say, how to respond.**
- **Q&A and Other News**

# The Implications of the TCPA for Outbound Activity Today

- ✔ **Post-Facebook, still risk and uncertainty**
  - Footnote 7
  - Panzarella v. Navient
  - SMS more settled than voice
- ✔ **Proliferation of wrong-number lawsuits resulting from aged leads and servicing portfolios**
- ✔ **Consider Human Text Initiator (HTI) as mitigation on TCPA risk, including wrong number lawsuits.**



# The Landscape of SMS and Voice in the Context of the TCPA

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- ✓ In the current landscape, there is **more exposure for voice**
- ✓ You can achieve **more certainty with text** than you can with voice
- ✓ **With the proper safeguards in place**, SMS is generally more defensible than voice.



# Human Text Initiator (HTI)

**Without consent to contact cell numbers, texting can be complicated and risky.** LiveVox's HTI enables you to engage with unconsented cell phones more productively while mitigating risk.

**HTI is built to maximize outbound engagement while also minimizing regulatory risk**—leveraging the same productivity and compliance principles that have made HCI® unbeaten in the courts.



# Creating Targeted Campaigns

Filter based on consent

General Channels Contact Details Encrypted Fields Notes Interactions Scheduled Callback

All Channels

Do Not Contact  Do Not Contact Today  SMS

Total Attempts Today 1 Total Attempts Lifetime 1

Phone Numbers

Type	Phone Number	Attempts T...	Attempts Li...	Do Not Con...	Do Not Contact...	SMS Consent	Cell Consent
Phone 1	4156085015	1	1			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Phone 2	6783734068	0	0				
Phone 3		0	0				
Phone 4		0	0				

Create custom texts

Module Name sms

Message Properties

Display Name	Value
sms SMS message	Hello reply yes for SMS Opt-In
sms SMS short code	10936
sms SMS phone position	1
sms_sms_service_id	

Ok

Segment and schedule based on custom filters

Add Segmentation

ID  Source  Contact

Name  New SMS Segment Filename Format  ID\_SMS\_TEST Required  Enabled  Sort By

General Segments Configuration Change History

Campaign Type  SMS Service  JD\_SMS

Message  SMS Scrub  Landline

Dial Strategy  Standard

On Demand  Schedule a run

Start Time  08  15

End Time  21  15

Campaign Type	Subtype	Service	Voice	Operator P...	Caller ID	Callback Ph...	Dialing Strategy	Scrub	AM Option	Email From	Message	Schedule	Allow Append
SMS		JD_SMS	Julie		4156599170		Standard	Landline			Leave Messages	[Weekda	

+ Add Config

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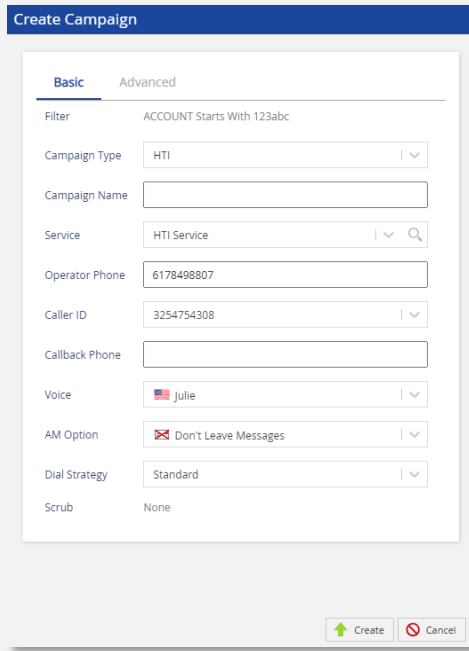
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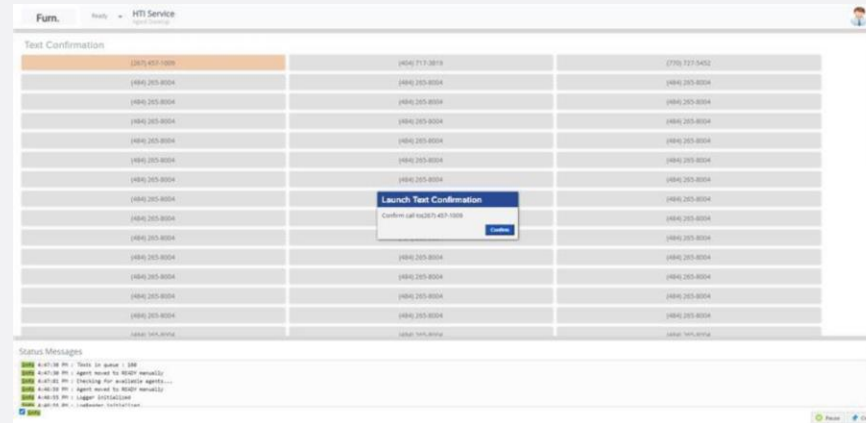
# Agent-Initiated Workflow

LiveVox provides the ability for agents to send HTI SMS messages by clicking individual numbers and using a pre-determined template.

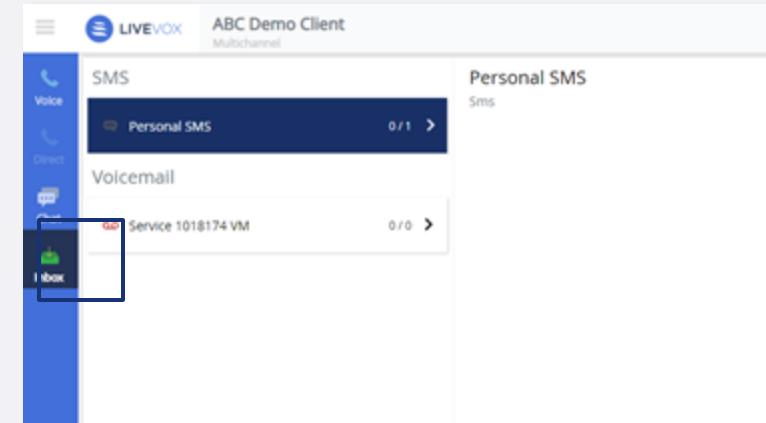
1 An HTI campaign is created from Contact Manager & loaded to an HTI service



2 A dialogue box is presented allowing an HTI agent to confirm the launch of each SMS



3 Any consumer response is routed to an inbound queue for review & processing (using the same process as normal transactional SMS)



# Human Text Initiator (HTI) Collections Use Cases

 **Payment Reminders**

 **Delinquency Alerts**

 **Call Center Volume Deflection**

 **Letter Replacement Strategy**

# That's Not All - More HTI Use Cases

✔ **Sales Process Optimization**

✔ **Proactive Customer Service**

✔ **Marketing**

✔ **Promotions**

✔ **Alternative Support Channels**

✔ **Fraud Alerts**

✔ **Employee Communication**

✔ **Application Processing**

# The Case for HTI and SMS

## HTI Success Stories So Far...

### **90% Read Rate**

Within 2 minutes of texts being received  
vs. a 10-12% live answer rate on voice

### **Significant Cost Savings**

From a letter replacement strategy

### **Increase in self-service**

and inbound traffic for payments

## Why is SMS so effective?

The average American spends more than **3 hours a day on a smartphone**<sup>1</sup>

Customers engage with SMS faster than any other channel; it takes approximately **90 seconds for someone to answer a text**<sup>1</sup>

SMS Texts have a **2.8% Spam rate compared to E-mails at 53%**<sup>2</sup>

The average **open rates for SMS are around 98%**<sup>3</sup>

(1) <https://www.forbes.com/sites/forbesagencycouncil/2021/01/20/why-sms-is-the-marketing-tool-of-the-future/?sh=35485d87012>  
(2) <https://www.txtmagic.com/blog/what-is-sms-and-how-is-it-different-from-text-messages/>  
(3) <https://www.comparitech.com/blog/information-security/phone-spam-stats-facts/#:~:text=Robocalls%20make%20up%2060%25%20of,for%2060%25%20of%20all%20calls.>

# Handling Responses

## What to Do With Responses You Receive

- Don't pass messages **straight to your agents!**
- **Use bots** to handle stops, balance inquiries and payments etc.
- **Only messages from customers that are genuinely trying to engage** should be routed to agents.

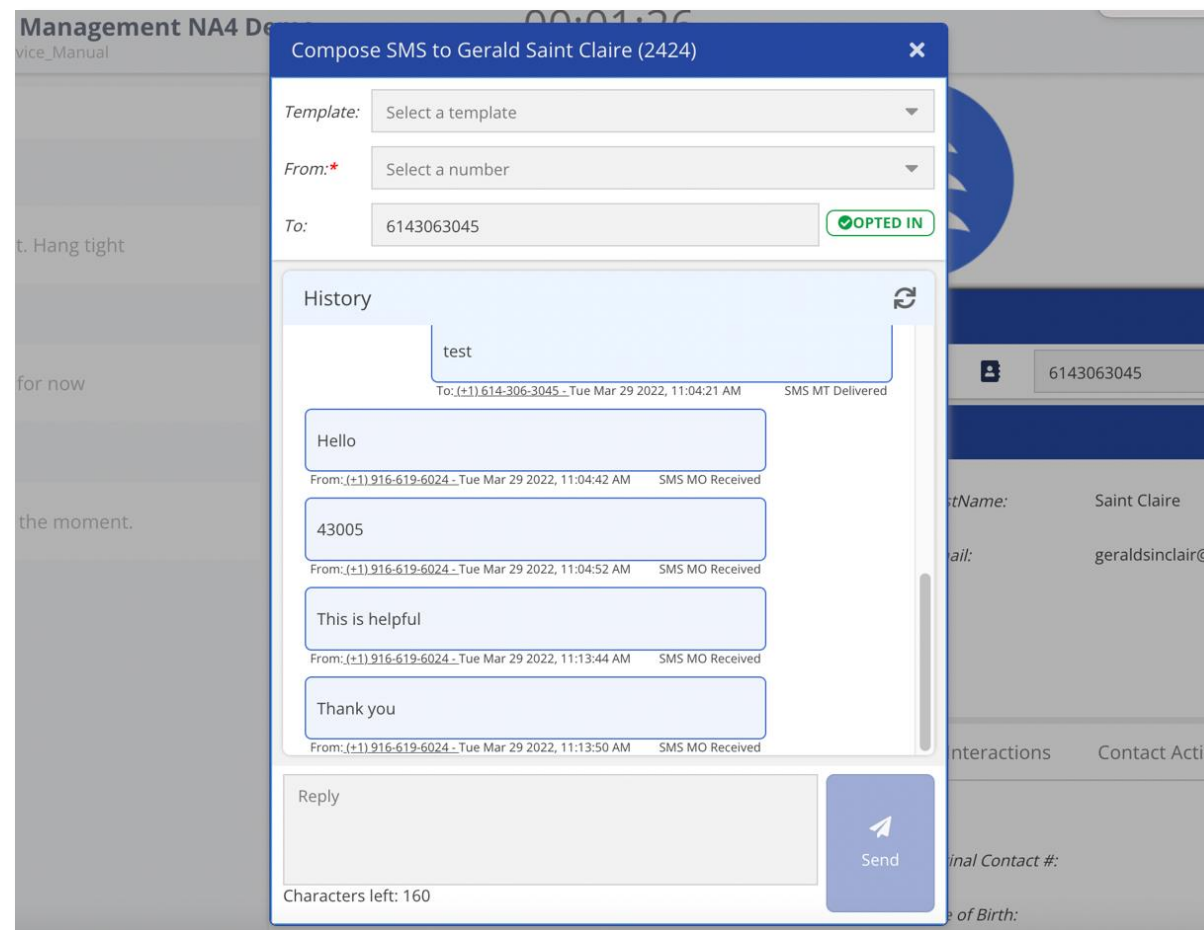
## Key Mechanisms You Need In Place:

- **Opt-out**
- **Consent Capture**
- **Consent revocation**

# Messaging Best Practices

## How to Prepare Your Agents

- Ensure you have **qualified agents on hand and properly resourced** to handle incoming responses
- They will need the need **access to the technology that allows them to handle multiple interactions simultaneously** on customers' channels of choice.



# Q&A

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# Useful Resources

**LiveVox's Human Text Initiator (HTI) Solution**  
**Reduce TCPA Exposure and Amplify Outreach with HTI**



More than ever, consumers want to interact with your business via text message. But using SMS for outbound campaigns contains compliance risk and a potential loss in efficiency. That is, until now.

When you run an outbound operation, the danger of missing a shot of the TCPA is all too real.

- The threat still remains, even after the Supreme Court's ruling in Facebook v. Duguid, as courts have applied the decision in different ways.
- The TCPA threat is especially present in entry number benefits resulting from aged leads or servicing portfolio.

The solution? LiveVox's Human Text Initiator (HTI): the only TCPA-focused tool for SMS engagement that helps you mitigate regulatory risk and realize productivity gains at the same time.

Challenge	Solution	Results
Using SMS to reach consumers, especially with unconsented messages, can be hazardous and costly due to new compliance regulations, which violations can lead to program shutdown, reputation damage, lawsuits, and fines.	HTI is a single-click, single-task system for SMS that manages every step of the sales attributes as TCPA for each batch to an individual. It's not just a record, so you can make risk and drive higher ROI.	<ul style="list-style-type: none"> <li>TCPA Exposure</li> <li>Live Answers per Agent/Day</li> <li>Attempts per Agent/Day</li> </ul>

**The Power of LiveVox's HCI, Now For SMS**

HTI enables agents to text consumers by manually dialing individual phone numbers using pre-approved templates. By adding a layer of human intervention and other compliance safeguards, HTI gives you similar peace of mind and productivity as LiveVox's HCI, which has consistently been found not to qualify as an ADO under TCPA law.

- Create SMS campaign from LiveVox's Contact Manager & load into HTI
- An HTI "clicker" agent confirms each SMS send with one press of a button
- Responses are routed for review & connected to available "skinner" agents


*"Knowing that LiveVox offered the most battle-tested manual-intervention outbound platform on the market meant we could mitigate risk across the board."*

— VJ, Strategic Development, Business Services

info@livevox.com | 844.207.6663 | livevox.com

**LiveVox Solution Brief**

**LiveVox Human Call Initiator® (HCI) & Human Text Initiator (HTI): Maximize Productivity and Mitigate Regulatory Risk Compared to 10-Digit Manual Dialing and Traditional SMS**



**87%** of consumers say they ignore phone calls from unknown numbers "often" or "very often".<sup>1</sup>

**THE OUTBOUND END OF THE LINE IS NOT AN EASY PLACE TO BE THESE DAYS.** Regulations such as the TCPA continue to evolve the compliance landscape. This has led to ever-changing restrictions, including eliminating automatic dialers for unconsented cell phones—which also applies to SMS—and enabling easy revocation of consent. Rules like these have also caused a rise in both fines and litigation, meaning that organizations who ignore compliance issues do so at their own ever-increasing peril. At the same time, consumers of all ages are cutting the cord. Shifting to newer technology has also massively shifted consumers' relationship with their phones—most notably in the widespread adoption of call screening and a strong preference for digital channels, especially SMS.

As regional and mid-sized financial institutions jockey for position in a consolidating marketplace, efficiency and productivity become key differentiators between success or failure to thrive. For many organizations, though, achieving their best results in the face of the current conditions is complicated by:

- Confusion around compliance.** Uncertainty about what the rules are and how to adapt is widespread, although reactions vary. Some companies freeze, choosing to do no outbound dialing or SMS for fear of running afoul of regulations. Others forge blindly ahead, rolling the dice on getting fined or sued. Neither of these options is a positive choice, and both will impact your bottom line either through lost revenue or legal costs.
- Loss of productivity.** With the new rules, loss of productivity is nearly inevitable in terms of both work and revenue output. If you stop calling or texting entirely, your numbers fall. If you follow the new rules but keep the same amount of staffing, your efficiency is seriously compromised. You can add more labor to try producing the same outbound volume, but that's a huge increase in operating expense. And should you get caught ignoring the rules, time and other resources will be siphoned from other areas to deal with legal ramifications.
- Siloed solutions.** Sales, marketing, and collections all need strategies. But if they each operate on different systems, you can't flatten that strategy across the platform. For example, one system could be calling a cell phone while another has the same consumer's home phone cued up, meaning it's possible for even careful companies to incur violations.
- With so much at stake, it's no wonder many organizations have put themselves—and their productivity—on hold. But what if you could significantly mitigate regulatory risk without sacrificing operational efficiency, and maximize outbound voice and SMS interactions to boost your bottom line?

Communication tools from LiveVox reduce friction, eliminate silos, and offer 24x7 response options — allowing you to deliver pleasing, "always on" customer engagement that sets your employees and your business up for success.

Call us at 844.207.6663 or chat with us online at [www.livevox.com](http://www.livevox.com)

**COMPLIANCE FOCUSED COMMUNICATION SOLUTIONS:**  
**LiveVox's Human Call Initiator (HCI)® & Human Text Initiator (HTI)**



Two industry-leading outbound systems purpose-built to mitigate regulatory risk and maximize productivity with human intervention compared to 10-digit manual dialing and traditional SMS—exclusively available from LiveVox.

COMMON CHALLENGES IN TODAY'S EVER-CHANGING ENVIRONMENT:	THE LIVEVOX WAY:
Continuously changing compliance rules require proper risk management, which demands new tools or costly manpower.	Mitigate regulatory risk by adopting easy-to-use voice and SMS solutions specifically designed with compliance in mind.
rising fines and litigation from outdated regulations have led to more lawsuits.	Leverage battle-tested technology with a proven track record of success.
Accelerating decline of the landline means understanding and adapting to the rules for contacting unconsented cell phones.	Implement cutting-edge outbound dialing and texting systems that reach customers on the right channel in the right way.
Widespread consumer adoption of call screening, plus an ever-increasing preference for communicating via SMS.	Give your agents tools that drive up efficiency while also reducing compliance risk.

That LiveVox includes risk mitigation tools for managing compliance needs has been huge for us."

— Vice President Loan Resolutions, TDCU


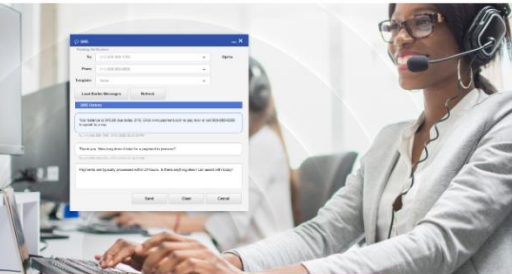


**YOUR BOTTOM LINE**

- Limit the risk of non-compliance while amplifying every outbound interaction
- Rely on uniquely innovative solutions that deliver both productivity and protection
- Agents can work from home as efficiently as they would inside a contact center

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**SMS Best Practices for Collections:**  
**Drive Performance and Mitigate Risk**

If you're not already using SMS, it's time to start.

The new CFPB rules impose frequency restrictions on debt collectors—limiting the number of calls that can be made to a consumer about a particular debt to seven attempts in seven days unless specific consent is provided (and even then there are limitations). This poses a challenge because any limitation on contact attempts is going to affect your chances of reaching customers, and ultimately your bottom line.

Despite this challenge, there's also a new opportunity. This is the first time the CFPB has formulated rules regarding emails and text messages for use in debt collection.

Digital messaging is a huge opportunity for you to maximize contact rates by looking beyond the "seven-in-seven" requirement, and to satisfy the CFPB's directives around disclosures to customers regarding their debt.

We have worked closely with operational leaders to develop and test best practices specifically for collections that span consent capture, consent management, and SMS deliverability that are outlined in this document.

- 73%** of customers make a payment when using digital channels vs. 12% with traditional channels.
- 58%** of debtors contacted via SMS resulted in partial payment of their delinquent account.
- 19%** resulted in full payment<sup>1</sup>

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**Reduce TCPA Exposure and Amplify Outreach with HTI**

**Solution Brief: LiveVox Human Text Initiator (HTI)**

**Product Brief: LiveVox Human Text Initiator (HTI)**

**Tip Sheet: SMS Best Practices for Collections**



In other news...

# The LiveVox + Salesforce integration

## The LiveVox + Salesforce integration is now live

Provides a single, seamless UI that enables agents to access inbound and outbound voice functionality right from the Salesforce CRM

### Advantages include:

- Click-to-dial campaigns can happen in Salesforce
- Inbound calls can be immediately associated with the correct records
- Easier Dispositioning
- Automatic Call Logging
- Integration with QM and analytics tools is in place by default



To learn more, please **reach out to your LiveVox Account Team** or Customer Care

**Call:** 844.207.6663

**Email:** [customercare@livevox.com](mailto:customercare@livevox.com)

**Visit:** [livevox.com](https://livevox.com)

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