

# TCPA 101:

# What you Need to Know to Succeed



### *Conversational Engagement*

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# What is TCPA?

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To address a growing number of telephone marketing calls, Congress enacted the Telephone Consumer Protection Act (TCPA) in 1991. The TCPA restricts the making of telemarketing calls and the use of automatic telephone dialing systems (ATDS) and artificial or pre-recorded voice messages. The rules apply to common carriers as well as to other marketers. In 1992, the FCC regulatory body adopted rules to implement the TCPA, including the requirement that entities making telephone solicitations institute procedures for maintaining company-specific do-not-call lists.

Most recently, in 2012, the FCC revised its TCPA rules to require telemarketers:

- to obtain Prior Express Written Consent (PEWC) from consumers before robocalling them
- to no longer allow telemarketers to use an "established business relationship" to avoid getting consent from consumers when contacting their home phones, and
- to require telemarketers to provide an automated, interactive "opt-out" mechanism during each robocall so consumers can immediately tell the telemarketer to stop calling.

## Critical mandates under TCPA:

- A person or entity engaged in telemarketing is required to maintain a record of a called party's request not to receive future solicitations for a period of at least ten years
- TCPA regulations prohibit enterprises and telemarketers from calling residential telephone subscribers before 8 AM or after 9 PM for advertising or telemarketing purposes even with consumer consent
- For every call made by the enterprise and telemarketers, they must identify themselves to called parties and disconnect an unanswered telemarketing call prior to at least 15 seconds or four (4) rings
- TCPA regulations mandates Prior Express Written Consent (PEWC) for all auto-dialed calls, pre-recorded calls, texts sent or made to a wireless number, and pre-recorded calls made to wired numbers for advertising or telemarketing purposes - irrespective of a prior business relationship
- TCPA regulations limit the max abandon at 3% for all telemarketing calls that are answered live by a person. This is measured over a 30-day period for a single calling campaign. If a single calling campaign exceeds a 30-day period, the abandonment rate shall be calculated separately for each successive 30-day period or portion thereof.
- Enterprises and/or telemarketers must provide an automated, interactive voice and/or key press-activated opt-out mechanism for the called person to make a do-not-call request and register themselves in the enterprises' DNC list

## Exemptions under TCPA:

- TCPA regulations exempt any manually dialed calls that does not contain a pre-recorded message or originate from a platform with auto-dialing capabilities

- Calls that are made for emergency purposes, medical situations, or by institutions that deliver a health care message made by, or on behalf of, a covered entity or its business associate, as defined in the HIPAA Privacy Rule
- Calls that were made for a commercial purpose, but that do not include or introduce an advertisement or constitute telemarketing
- Calls made by, or on behalf of, a tax-exempt non-profit organization

## How does this impact Enterprises?

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With clear mandated restrictions on auto-dialing numbers for which no prior expressed written consent is available to the enterprise, it is difficult to maintain the right balance between compliance and productivity. For enterprises, the year-over-year increase in TCPA litigation poses a threat with the increased risk of involvement in a lawsuit. This fact makes enterprises a prime target for serial litigators who abuse the TCPA regulations for profit.

Although, non-PEWC contacts can still be dialed by the enterprises, they cannot be dialed by any Automated Telephone Dialing System (ATDS) but can only be manually dialed. This reduces agent occupancy and efficiency because now calls which end in answering machines must also be handled by live agents which earlier were weeded out by ATDS. In absence of an ATDS, this also requires additional workforce to process the same amount of calls. These increases impact the overall operating cost and reduce the efficiency of enterprises to connect with their potential customer base under large scale automated campaigns.

## Acqueon Engagement

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### Introduction

Acqueon's flagship customer engagement platform - Acqueon Engagement is a large enterprise outbound customer engagement platform for orchestrating AI-based proactive omnichannel conversational engagement and outreach campaigns. With Acqueon Engagement, enterprises can build omnichannel campaigns that are compliant and precisely targeted while being contextual and convenient.

Acqueon Engagement is designed with a high inclination towards compliance. It comes equipped with several compliance features such as 3-layered DNC filtering: national and federal register, enterprise wide register and campaign specific DNC register. It offers runtime validation across

several filtering data such as DNC, PEWC, wireless portability, and litigator where it identifies the wireless numbers and customers that have not provided PEWC (prior expressed written consent) and scrubs them for manual dialing for PEWC compliance. It also offers time-zone validation and a wide array of state-specific and mode specific laws to ensure customers are not called outside the permissible calling window.

Acqueon realizes that one size doesn't fit all and therefore Acqueon Engagement is offered in various models to suit every enterprise's business requirements.

## Acqueon – An Overview

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Acqueon's conversational engagement software enables sales, marketing and service organizations to engage in meaningful, emotionally connected, open dialogs with customers that yield much greater results. Your organization will maximize the potential of every conversation by utilizing next-best-action intelligence across every communication channel to increase sales, improve collections and rescue otherwise-defecting customers. Acqueon's multichannel campaign orchestration and analytics solutions empower forward-thinking enterprises to shift from being reactive to becoming proactive in how they engage with customers. Acqueon is trusted by 100s of clients across the globe, including premier brands such as AIG, Cigna, Coca-Cola, Consumer Cellular, Costco, and Roche.

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