



Preserving Mobile Marketing: 6 Steps Marketers Must Take Now

by Rob Tate, PossibleNOW

This October, millions of cell phones will stop ringing. That's because new Federal Communications Commission (FCC) rules will go into effect requiring marketers to obtain "prior express written consent" to call or text consumer cell phones for solicitation purposes. While that may be a good thing for anyone in a movie theater, it could spell trouble for a variety of companies: your cable company telling you about upcoming sporting events, banks texting customers about lower mortgage rates, vacation rental groups advertising new availabilities to members and more.

Starting now, these and many other companies should proactively collect consumer preferences — including consent to call — and manage those preferences with a secure, efficient system that crosses divisional and geographical boundaries.

How important is this change?

According to the Pew Internet and American Life project, almost 90 percent of Americans use a cell phone. Meanwhile, the Centers for Disease Control and Prevention (CDC) estimate that more than a third of U.S. households are completely without landlines. According to the same survey, an additional 15.9 percent own a landline but never use it. Taken together, that means that more than half of all U.S. households are effectively wireless-only. As the shift towards cell phones and away from landlines continues, proactive preference management will be absolutely essential to any company hoping to interact with prospects or customers on live calls, pre-recorded calls or text messages.

Here are answers to the top six questions every marketer should be asking about the new rules and how to be successful before, during and after implementation:

1. What changed?

The FCC issued a rule that changed the way the Federal government regulates autodialed calls, pre-recorded messages and text messages to wireless numbers. In the past, companies could call consumer cell phones through simple "implied consent," which means if a customer provides their mobile number they've implied that it is "OK" to contact them on that phone number.

In other words, the burden of objection was on the consumer. Moving forward, the burden of proof will lie with the company seeking to interact with the consumer. They will need to collect "prior express written consent" from a consumer in order to contact them for solicitation purposes on their mobile phone.

2. When is this going into effect?

Very soon. The prior express written consent requirement becomes effective one year after approval of the FCC order from last October. That means it will go into effect on October 16 of this year!

3. What is express written consent?

It's an agreement between company and consumer that includes the identity of the company seeking consent, the telephone number to be used, affirmative action on the part of the consumer to confirm consent (signature, e-signature, submit button, click a box), disclosures that an automated dialer will be used for solicitations and that agreement is not required in order to make a purchase.

4. How do I obtain it?

Ask nicely in writing, over the phone, via email or through an online form. Companies will likely employ a combination of these methods during the transition period as they seek to on-board large numbers of customers in short time. However, online consent in the context of broader preference management will be the most efficient and sustainable method.

For example, a financial services firm could obtain consent to call through a website preference center that also collected data on billing date preferences, preferred marketing information channels, and so forth. The interaction would take place in a trusted, opt-in environment and would reflect the authentic preferences of the consumer.

Keep in mind, many consent collection efforts can result in a consumer “no,” while asking for “preferences” instead can result in targeted “yes.” Moreover, the consent data would be collected in a manner that was verified, recorded and safely stored.

5. What happens after October 16 if I call a consumer that hasn't provided express written consent?

Bad things. You'll be in violation of FCC rules and could be fined or subjected to a Civil Investigative Demand. In addition — and perhaps much worse — you would be vulnerable to consumer and class action lawsuits allowed under the Telephone Consumer Protection Act for private rights of action. Yikes.

6. When should I take action to convert my customers to express written consent?

Right now! The more time and effort you have to put into your conversion process, the better. Industry experts anticipate a massive surge in consent communication in September and early October and believe it could have negative effects on acceptance rates. Consumers are far more likely to provide consent for cell phone communication when the request is made through a trusted channel, inbound calls, a service inquiry, a sales process or as part of a broader effort to listen to and learn from their unique preferences.

To some, enhanced consumer protection rules for cell phone users are a bad thing that will hamper marketing efforts and lead to increased overhead, liability and hassle. To others, it is merely further confirmation of a broad and positive trend towards permission-based marketing and opt-in relationships between companies and consumers.

Put me squarely in the latter category.

Mountains of research confirm that relationship marketing informed by consumer preferences is exponentially more effective than the spray-and-pray model of the interruption marketing past. I know this from my work and I certainly feel it as a consumer when I'm at home or out with my family. So make sure you are prepared and embrace the change – your customers will reward you for it.



Rob Tate is Director of Enterprise Sales at PossibleNOW

@possiblenow



Sign up for PossibleNOW's newsletter, webinars and whitepapers about managing true one-to-one communication in the Resource Center at www.mypreferences.com.