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MANUFACTURER'S COMPLIANCE STATEMENT FOR CLIENTS USING THE MARKETEL MKII DIALING SYSTEM

When configured correctly¹, the MarkeTel MKII dialing system² can be compliant with the new US telemarketing regulations including:

- Federal Communications Commission document "FCC 03-153: Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991"
http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-03-153A1.pdf
- Federal Trade Commission document "16 C.F.R. Part 310: Telemarketing Sales Rule"
<http://www.ftc.gov/os/2002/12/tsrfinalrule.pdf>

It is recommended that companies read through both document to ensure compliance with the regulations and contact either the FTC (www.ftc.gov) or the FCC (www.fcc.gov) if you have questions about the regulations themselves. MarkeTel has designed software that can be configured to meet these requirements and will continue to make improvements and additions as required. If you have any questions regarding how to configure MarkeTel software to be compliant with these or other specific regulations, email support@marketelsystems.com with specific questions. Questions such as "What do I have to do to be compliant?" will be referred back to the attachments of this document.

The use of Rapid Contact software falls under the terms of the EULA (End User License Agreement) provided with the product and MarkeTel assumes no responsibility or liability for usage for a particular purpose. Please see EULA for limitations of liability.

Any companies who do not meet the requirements listed in ¹ and ² should set the program up to run in "Speed Dialer" mode (by selecting "Turn off prediction algorithm" in run->speed settings), which disables the predictive algorithm and only dials calls when operators are available. This feature is available in Rapid Contact version 6.020p and above; anyone below this version can not become fully compliant with the new regulations.

Telemarketing operators must also follow the instructions for entering results properly when logging off (flash hook to end call, press # to log off, enter the result, then hang up), as not following this may cause the dialer to start dialing numbers when they enter a result, forcing the dialer to abandon a call when the operator logs off.

¹ The configuration settings in Rapid Contact version 6.300 (or better) relating directly to these regulations are on the following pages.

² The MarkeTel MKII dialing system consists of the following components:

- o Rapid Contact version 6.300 (or better) software along with a combination of
- o One or more Model 9421-MSG "MKII Predictive Dialer with Internal Messaging Unit" AND/OR
- o One or more Model 9421 "MKII Predictive Dialer", each equipped with
 - Racom Model 900L Digital Message Repeater/Announcer (modified by MarkeTel with authorization)

Rapid Contact 6.300 (or better) settings directly related to regulations are as follows:

Skiplist settings

- The National Do Not Call List must be Imported into Rapid Contact using the Skiplist Import Wizard (**Skiplist->Import**)
- A keytone must be configured to add a called party to the skiplist in Keytone Configuration (**Setup->Keytones**). Ensure that there is a number beside "Skiplist Keytone" and inform your telemarketers that is the keytone to add called parties to the skiplist.
- If multiple computers are running RapidC, the skiplists should be merged daily (can be automated by using Microsoft Access as a scheduled task)

Predictive algorithm speed settings (Run->speed settings)

- Click show advanced settings (if not already showing)
- Ensure that "Auto Adjust Speed Settings" is NOT CHECKED
- Set Idle Speed Setting: **10**
- Set Connect Speed Setting: **4**
- Ensure that "Try to keep abandons under ____" is checked and the % is set to 3.00% or LESS
- Ensure that "Switch to speed dialing when above" is CHECKED

Skiplist must have either

Dialing Options (Setup->Dialing)

- Ensure that Wait for ____ for a no answer is set to "15" or more "seconds" OR "4" or more "rings" (both are valid, but 15 seconds gets fewer answering machines than 4 rings)
- Ensure that "Allow the aborting of calls that are ringing" is UNCHECKED

Workstation Configuration (Setup->Workstations)

- It is recommended, but not required to check "Do not allow telemarketers to make manual calls" to ensure that telemarketers do not manually call numbers which are on the company skip list or the national do not call list from the dialer. While the dialer logs these calls as manual calls, the company would have to do more to prove that the call was placed manually than if the call was never placed at all.

Advanced Functions (Setup->Advanced)

- Ensure that "Monthly resets of abandons/attempts" is SELECTED

Setup Time Zones (Setup->Time Zones)

- Ensure that "Enable Time zone functions" is CHECKED
- Set "Local State or Province" to the state the calls are being made from
- Set "Minimum calling time" to 8:00 AM or LATER
- Set "Maximum calling time" to 9:00 PM or EARLIER

Held Connects (Setup->On Hold Time)

- Ensure that "Use new abandon rate calculation method" is CHECKED
- Ensure that "Mark as abandoned after ____" seconds is set to 2 seconds or LESS
- Model 9421-MSG users:
 - o Set "If a prospect is contacted without an operator being available, connect them to this line" to "Internal Message Upgrade"
 - o Ensure that a message is recorded in the Internal Messaging Unit that states ONLY the name and telephone number of the business, entity, or individual on whose behalf the call was placed, and that the call was for "telemarketing purposes."
 - o Listen to the message to measure the time it takes to hear the entire message
 - o Set "On Hold Time to ____ seconds" to be AT LEAST TWICE as long as your message stored in the internal messaging unit
- Model 9421 users:
 - o Set "If a prospect is contacted without an operator being available, connect them to this line" to the Operator Station to which the Racom 900L device is attached
 - o Ensure that a message is recorded in the Racom 900L device that states ONLY the name and telephone number of the business, entity, or individual on whose behalf the call was placed, and that the call was for "telemarketing purposes."
 - o Listen to the message to measure the time it takes to hear the entire message
 - o Set "On Hold Time to ____ seconds" to be AT LEAST TWICE twice as long as your message stored in the Racom 900L device