

**RYAN B. BIZZARRO, CHAIRMAN**

116 MAIN CAPITOL BUILDING; P.O. BOX 202003  
HARRISBURG, PA 17120-2003  
(717)-772-2297

**HOUSE MAJORITY POLICY**

PAHOUSE.COM/POLICY  
POLICY@PAHOUSE.NET  
@PADEMPOLICY



**NICK MILLER, CHAIRMAN**

352 MAIN CAPITOL; SENATE BOX 203014  
HARRISBURG, PA 17120-3014  
(717)-787-7105

**SENATE DEMOCRATIC POLICY**

PASENATORMILLER.COM/POLICY  
DEMPOLICYCOMMITTEE@PASENATE.COM  
@PASENATEDEMS

**Joint House Majority Policy Committee  
& Senate Democratic Policy Committee hearing**

Wednesday, March 4 | Noon

House Policy Chair Ryan Bizzarro | Senate Policy Chair Nick Miller  
Co-hosts Rep. Mary Isaacson | Sen. Nick Pisciotano

12 p.m.

Welcome and member introductions.

12:10 p.m.

[Derek Kravitz](#), Investigative Reporter  
[Consumer Reports](#)

**Q & A with lawmakers**

12:35 p.m.

[George Slover](#), Senior Counsel for Competition Policy  
[Center for Democracy & Technology](#)

**Q & A with lawmakers**

## Derek Kravitz

### Investigative Journalist, Consumer Reports

**Expertise:** Money, Technology & Privacy

### Work At Consumer Reports

Derek is an investigative journalist for Consumer Reports, covering the digital marketplace. His subject areas include algorithmic biases and their harmful effects on consumers, the rise of individualized pricing, emerging technologies behind increasingly sophisticated financial frauds and scams, and how artificial intelligence is reshaping our everyday lives.

### Experience and Education

Prior to joining CR, Derek was the director of research at ProPublica and ran a small investigative team at the MuckRock Foundation. He was also a reporter and editor at The Washington Post, The Wall Street Journal, and The Associated Press. Among his numerous awards and achievements, Derek is a three-time Pulitzer Prize finalist. Derek graduated with a bachelor's degree in journalism from the University of Missouri and master's degrees in journalism and international relations from Columbia University in New York City.

### December 2025 investigation

Read the complete investigation [here](#).

**Synopsis:** A December 2025 investigation by Consumer Reports and [Groundwork Collaborative](#) revealed that [Instacart](#) uses AI-driven dynamic pricing, charging different customers different prices for the same items. The study found price variations up to 23% on identical products at the same time, potentially costing families more than \$1,200 more per year.

**Update Dec. 22, 2025:** Prompted by this investigation, Instacart has stopped offering technology that allowed grocery retailers to charge shoppers different prices for the same groceries at the same time. Learn [more about that change](#), as well as legislative and regulatory responses to our findings.



Testimony of George Slover  
Center for Democracy & Technology

## **Dynamic Pricing**

Joint Hearing Before

Pennsylvania House Majority Policy Committee  
and  
Pennsylvania Senate Democratic Policy Committee

March 4, 2026

Chairman Bizzarro, Chair Miller, and other Members of the two Policy Committees –

I appreciate the opportunity to testify on behalf of the Center for Democracy & Technology on the issues implicated in dynamic pricing, and in particular the use of a consumer’s personal information to set a customized price for that consumer.

CDT is a nonprofit, nonpartisan organization that works to advance civil rights and civil liberties in the digital age, for everyone. A key part of that mission, since our founding 30 years ago, when the internet was still in its infancy, is working to

protect consumers against invasion of their privacy, and misuse of their private personal information, to exploit them or discriminate against them.

The digital collection, sorting, processing, and selling of vast amounts of this private personal information – unbounded by any comprehensive data privacy law – has enabled businesses, and data brokers who serve them, to create intimate portraits of individual consumers, which can be used to “size them up” for their susceptibility to pay more – without their knowledge, let alone their consent.

Sellers can now access personal data including the consumer’s previous purchases and searches; income, assets, debts, and financial condition and history; personal and family life; employment, work life, and career history; political, social, and other activities the consumer and the consumer’s family members and friends have engaged in; web-browsing and social media history; and broadly, anything about the consumer recorded or tracked and fed into the big data maw.

This “surveillance pricing” – what we refer to as “bespoke pricing,” as the price is “tailor fitted” to the individual consumer, made to measure<sup>1</sup> – is a rank abandonment of the transparent “list price” approach that has served consumers well for 150 years, and has justified free enterprise as best benefitting consumers and the economy. And it is a betrayal of the touted promise of the internet as a boon for shoppers. It exploits a stark information advantage that sellers using online technology can wield over consumers. It risks reducing what economists refer to as “consumer surplus” – the benefit received by consumers who would have been willing to pay more than the list price, but don’t have to, because they aren’t being algorithmically tagged and profiled – to zero.

That’s Adam Smith’s “invisible hand” being turned against consumers, picking their pocket.

Any claim that sellers would use bespoke pricing primarily to benefit their consumers is simply not credible. They are in business to make a profit. Their incentives for obscuring the market price work in the direction of *increasing* the price for consumers identified as gullible, desperate, or otherwise susceptible to

---

<sup>1</sup> Slover, Bespoke Pricing – What Is the Invisible Hand Up To?, CDT, Sept. 24, 2024, <https://cdt.org/insights/bespoke-pricing-what-is-the-invisible-hand-up-to/>.

being overcharged. Because consumers will be kept in the dark, they are far more apt to be taken advantage of than to benefit.

The technology is readily available to sellers, and is becoming easier to use and more powerful with the advance of artificial intelligence. The temptation to use it will be irresistible. We need to rein it in before it becomes a widespread feature of online commerce – to ensure that the online marketplace works in the interest of consumers.

We would recommend that any legislation carefully distinguish exploitative bespoke pricing from the kinds of discounting offered transparently and uniformly to identified groups – reining in the former while permitting the latter.

Thank you.

## **George Slover**

### **Center for Democracy & Technology, Senior Counsel for Competition Policy**

George Slover is Senior Counsel for Competition Policy at CDT, and CDT's General Counsel.

George comes to CDT with three decades of antitrust and competition policy experience, most recently as Senior Policy Counsel at Consumer Reports. Earlier in his career, he was Lead Antitrust Counsel at the House Judiciary Committee, Attorney-Advisor for Legal Policy at the Justice Department's Antitrust Division, Advisor to the Antitrust Modernization Commission, and Chief Legislative Counsel and Parliamentarian at the House Judiciary Committee. He is a member of the American Antitrust Institute's Advisory Board, and an elected member of the American Law Institute.

George holds a BA in mathematics from Vanderbilt University, a JD from the University of Texas School of Law, and a Masters in Public Affairs from the LBJ School.

March 3, 2026

The Honorable Nick Miller  
Chair  
Senate Policy Committee  
Pennsylvania Senate  
352 Main Capitol  
Harrisburg, PA 17120

The Honorable Ryan Bizzarro  
Chair  
House Policy Committee  
Pennsylvania House of Reps.  
116 Main Capitol  
Harrisburg, PA 17120

*RE: Dynamic Pricing*

Dear Chair Miller and Chair Bizzarro and Members of the Committee,

On behalf of TechNet, I'm writing to share comments on dynamic pricing.

TechNet is the national, bipartisan network of technology CEOs and senior executives that promotes the growth of the innovation economy by advocating a targeted policy agenda at the federal and 50-state level. TechNet's diverse membership includes 103 dynamic American businesses ranging from startups to the most iconic companies on the planet and represents five million employees and countless customers in the fields of information technology, artificial intelligence, e-commerce, the sharing and gig economies, advanced energy, transportation, cybersecurity, venture capital, and finance.

TechNet recognizes that automated decision systems raise complex and evolving policy questions, and our member companies are committed to providing a positive customer experience that is transparent. We do not condone any targeting of consumers based on factors such as religion, race, sexuality, or political affiliation. While TechNet supports the goal of ensuring Pennsylvania consumers are treated fairly and without discrimination, we respectfully urge these committees to carefully consider the potential unintended consequences of overly broad regulations in this space.

### **Dynamic Pricing Delivers Meaningful Benefits to Consumers**

Many data-driven pricing tools have been used responsibly for years to support marketing, pricing, and other business practices that enhance the consumer experience and competitiveness. Customers benefit from the use of dynamic pricing in a variety of ways. Dynamic pricing offers unique deals and promotions that are tailored based on a customer's interest and buying habits, and our member companies use this data to build features that provide customers discounted coupons and early access to deals. Regionalized offers based on customers' location encourage competitive pricing in the area. Targeted marketing via emails and advertisements are customized to highlight promotions and offers most likely to

appeal to each individual customer. Streamlined ordering also makes it easier for consumers to reorder frequently purchased items at lower prices.

### **Overly Broad Regulation Would Harm Consumers and Businesses**

TechNet is concerned that legislation with overly broad definitions of prohibited pricing practices could inadvertently harm the very consumers it intends to protect. Examples of beneficial practices that could be jeopardized include:

- **Geographic Pricing Flexibility:** Businesses may set prices differently for customers who are harder to reach, such as those in remote areas, to account for higher logistics costs. Restricting this practice could result in either higher prices for all consumers or reduced service availability in underserved communities.
- **Consumer-Specific Transactions:** Lending transactions and insurance rates are inherently based on a consumer's unique information and financial profile. Broadly restricting the use of such information could disrupt these essential financial services.
- **Discounts and Promotions:** Businesses use customer data to generate discounts and promotions that benefit consumers. Discounts offered because of interest in similar products incentivize frequent purchasers to try new products. "Win-back" discounts target former customers with discounted prices to encourage them to return. Customer care discounts allow companies to reimburse or compensate customers for service or product issues. Each of these common, consumer-friendly practices could be inadvertently restricted by overly broad legislation.

### **Other States Have Proceeded Cautiously**

States across the country have been carefully studying how to balance innovation with consumer protection. The difficulty of getting this right has been demonstrated in other states, where similar proposals were ultimately withdrawn or rejected on a bipartisan basis after months of deliberation. Last year in California, lawmakers attempted to move AB 446, legislation addressing similar concerns; however, there was significant opposition from the business and technology industries, and the final version was substantially narrowed. Ultimately, the bill sponsor withdrew the legislation due to overwhelming concerns from industry. In Virginia this year, lawmakers rejected HB 121, another pricing proposal. We encourage Pennsylvania to learn from these experiences and engage stakeholders in a thorough dialogue before advancing any legislation.

### **Conclusion**

TechNet appreciates the committees' interest in exploring these important issues and welcomes the opportunity to continue engaging with policymakers on this topic. We share the goal of ensuring Pennsylvania consumers are treated fairly and encourage a measured approach that protects consumers while preserving the legitimate, beneficial pricing practices that serve them. We respectfully urge the committees to carefully consider the full range of consequences before advancing any legislative proposals.

Thank you for allowing us to share our perspective. Please do not hesitate to reach out with any questions.

Sincerely,

*Margaret Durkin*

Margaret Durkin  
TechNet Executive Director, Pennsylvania & the Mid-Atlantic