



# Gasoline Pricing FAQ

Pennsylvania Attorney General Josh Shapiro

## Does Pennsylvania's Price Gouging Act apply to any sharp increase in gasoline prices?

The Price Gouging Act only applies during and within 30 days of termination of a state of disaster emergency declaration by the Commonwealth. For events such as Russia's invasion of Ukraine, there is no declaration triggering the application of Pennsylvania's Price Gouging Act.

## Is it price fixing if the two gasoline stations across from each other independently raise prices at the same time?

No, because gasoline stations purchase gasoline at prices based on replacement cost, increases in wholesale pricing are generally passed on quickly to consumers and may have the appearance of suspected price fixing. Gasoline stations are free to independently set their own prices. Absent an agreement between two or more gasoline stations to raise or lower price, price matching is not unlawful.

## Why are gasoline stations slow to lower prices for gasoline when the price of crude oil and refined product starts to decrease?

Gasoline stations still have to recover the cost of the higher priced product in the underground storage tank before they can lower price. Competition will promote lower prices.

## What factors cause gasoline prices to fluctuate?

Ordinarily, the factors contributing to gasoline prices rising and falling are 1) supply and demand, 2) changes in refining capacity due to maintenance, accident or closure, and 3) regulations.

## How do geopolitical events affect gasoline pricing?

Gasoline pricing can also be affected by geopolitical pressures leading to a decline in global crude oil production and also in inventories. These conditions tend to result in increases in futures and spot market pricing which signal higher prices for gasoline.

## Can Pennsylvania bring an action against foreign countries for conspiring to reduce crude oil production and to increase price for refined gasoline?

No, the federal Act of State Doctrine bars Pennsylvania from bringing an action under state antitrust common law or federal antitrust law against a foreign oil producing nation.



## How does the Pennsylvania Office of Attorney General promote price competition for gasoline?

The Attorney General enforces state antitrust common law, the Unfair Trade Practices and Consumer Protection Law, and the federal antitrust laws to promote free enterprise and trade between the refiners, marketers and retailers of gasoline to prevent monopolistic or collusive practices.



## If I see potential price fixing of gasoline prices, how do I complain to the Pennsylvania Office of Attorney General?

You can file a complaint using the form at this [link](#).