

D-E3314

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE V. WILLIAM H. SLEEPER

Petition for a right of way for the construction and maintenance of transmission lines across privately-owned land in the Town of Deerfield, and assessment of damages occasioned thereby.

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Appearances: for the Public Service Company of New Hampshire, Irving H. Soden; pro se, William H. Sleeper.

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REPORT

This petition was filed March 22, 1954, by the Public Service Company of New Hampshire, pursuant to the provisions of R. L. c. 294, as a result of its inability to agree with the owner of a tract of land in the Town of Deerfield, for the price to be paid for a right of way across said land for the construction and maintenance of an electric transmission line.

Following due notice, hearing was held on the petition in Concord on April 23, 1954, and a view of the premises was taken on April 21, 1954.

The necessity for the construction of the proposed transmission line is admitted by the landowner, so that the only issue before the Commission is that of the assessment of damages occasioned by the requested right of way.

The Public Service Company of New Hampshire represents that the course of its proposed 115 KV transmission line from the Schiller Station in Portsmouth to the Garvins Falls Station in Bow, will cross approximately 1,386 feet of land of William H. Sleeper in the Town of Deerfield. The right of way requested is adjacent to, parallel to, and south of an existing right of way, 100 feet in width. The requested right of way is 100 feet in width,

with a resultant area of about $3\frac{1}{2}$ acres. The area encompassed by the right of way is described as average quality, scrub, wood land, with some swamp and some timber growth. Approximately 145 feet of the right of way fronts on the southerly side of a dirt road leading from Deerfield Parade to Nottingham.

A forestry expert for the Company testified that the right of way requested contains 2.06 cords of wood worth \$2 per cord, 4,072 board feet of marketable lumber valued at \$12.50 per thousand feet, and immature tree growth worth \$111.63, or a total value of \$165.23.

The Company has offered \$453.50 for the requested right of way, figured as follows:

$3\frac{1}{2}$ acres land	at \$20	\$70.00
145 feet road frontage	at \$ 1.50	217.50
Wood and lumber		<u>166.00</u>
		\$453.50

A qualified real estate expert for the Company testified that the Company's figures for acreage and frontage are comparable to those prevailing throughout the general area, and that the Company's offer for the right of way is just and reasonable.

The landowner represents that the proposed right of way will damage two road-front building lots to the extent of \$700, three other nearby road-front building lots to the extent of \$250, that the wood and lumber on the right of way is worth \$300, and that an old cellar hole adjacent to the right of way will be damaged in the amount of \$250. He further submits that allowance should be made for damage to two wells situate within the right of way. The landowner asks \$1,500 for the requested right of way.

The Commission finds that the right of way requested is necessary to meet the reasonable requirements of service to the public.

Upon investigation of the premises, and consideration of the evidence submitted, this Commission finds further, that the damage to the property in question, attendant upon the construction and maintenance of the proposed transmission line, amounts to \$550. Our order will issue accordingly.

James H. Davis
Edward R. Houston
Blaylock Atkinson
Commissioners

Filed May 10, 1954.